# IROQUOIS INDIANS:

## A Documentary History of the Diplomacy of the Six Nations and Their League

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# INTRODUCTION

This compilation is like none other in the world. It is an archive of documents made by and concerning a people without scribes, documents recorded by other parties and originally filed away obscurely in repositories devoted to other interests. Because the League of the Iroquois and its constituent Six Nations negotiated diplomatically with the agents of empires, provinces, and nation-states, as well as with other Indian nations, Iroquois treaty documents came to rest in The Netherlands, France, Great Britain, Canada, and the United States, and in many state and private collections, in all of which the Iroquois documents were secondary to the thousand and one concerns of Europeans and Euro-Americans. Now these many scattered collections have been culled to create the first authentic archive of an indigenous tribal people.

Strictly speaking, an archive consists of the documents generated by an agency or institution, but we may think in terms of an imaginary Iroquois foreign office whose papers were destroyed in an imaginary fire, being preserved only in the copies made for other parties to negotiations. With that fiction in mind, what we have here is a reconstituted archive. Regardless of problems of definition, it is a body of texts exceedingly important to genuinely reconstituting the history of the United States and its predecessor colonies and native peoples.

The Iroquois League was a great military and political power in North America during the seventeenth and eighteenth centuries. Its importance was recognized by contemporary statesmen of competing European empires and colonies, who vied with each other to secure Iroquois friendship and alliance. After 1700, the Iroquois policy of neutrality maintained a balance of power between the empires that lasted until the Seven Years War, and the Iroquois nations were wooed by Britain and the United States during the War of the American Revolution. It is not possible to write a valid political history of eastern North America during the era preceding the Revolution without carefully considering Iroquois participation in the most important events of the time; and the basis of the Northwest Ordinances of 1784-87 was the treaty made at Fort Stanwix between the United States and the Iroquois in 1784.

Though the Iroquois League fragmented during the American Revolution and its people are now scattered on Canadian and American reservations, and individually as far as Hawaii, their history after the Revolution became inextricably part of the history of the Great Lakes region and of the vast intersocietal trade that moved westward across the continent. Defying dogmas of the vanishing Indian, more Iroquois are now alive than were previously recorded at any one time.

The major problem in studying Iroquois participation in North American history has been the scattered and unreliable condition of the source materials. A large number were virtually inaccessible. Most have never been validated by critical examination for omissions, variance between copies, or other contradiction by other contemporary documents. In national and state archives, Iroquois treaties are submerged in the general material, their arrangement and cataloging ill-suited to the study of indigenous peoples; and indexes are at best inadequate, often erroneous and misleading. There is continuing attrition of source manuscripts, identifiable by later references to documents that no longer can be found.

Now, however, most of the problems of access have been solved by the archive presented herein; and comparison of documents has been facilitated. The documents included were compiled by a project begun in September 1978 at the D'Arcy McNickle Center for the History of the American Indian at the Newberry Library. Funded for three years by the Research Division of the National Endowment for the Humanities, and staffed by a historian and three anthropologists with the assistance of many temporary aides, the project initially aimed at compiling less than 3,000 texts, but even the specialists had badly underestimated Iroquois diplomatic activity and its involvements. The documents piled up to three times the original estimate, and the project's actual duration extended past its formal closing for three more years. It has been completed nevertheless, largely owing to the dedicated support of the Newberry Library and donation of labor by the staff. Many generous contributions by individuals and institutions are acknowledged below.

Project staff made no effort to collect original source documents. Instead, it copied them by microphotography or xerography and made paper copies of all documents to be filed in an archive at the Newberry. This publication reproduces that archive. It is open to addition as new documents come to light, and students are solicited to send information about such new documents to the Newberry. The archive's calendar is available on a computer printout at the Newberry, and a card index of names and subjects refers to about one-sixth of the documents on file. Access may be had by qualified students. An indexed document is noted as such by a degree sign after the date of the document on the headnote to the document and in the calendar. Regrettably the index could not be completed because of lack of funds, but it is useful in combination with the calendar. Both are printed in the guide that accompanies this film. A reader may wish to scan the calendar for context before concentrating on particular documents. Calendar and index, especially when used together, are finding aids for the location of particular documents and sets of related documents.

## ABOUT THE TEXTS

### What They Are

The documents presented here include the minutes of treaty conferences, the agreements resulting from formal meetings, and a broad range of background materials useful for interpreting motives, procedures, and effects. The editors' basic standard for selection was relevance to the diplomatic history of Iroquois nations or their league. Other parties involved in the negotiations are also included.

Most of the documents are manuscript or printed texts arranged in chronological order. Often it has been possible to compile copies of the same text from different sources, and sometimes these are variant, sometimes significantly so. All copies are included. Texts in languages other than English are presented but only rarely translated.

Photographs of wampum belts are also included as representing Indian records of negotiations. In almost all instances, it has not been possible to identify a particular belt with a specific written record, and the editors have concluded regretfully that the belts cannot be deciphered by a general code. Nevertheless certain conventional patterns have been observed, so the belts are grouped according to emblematic content, following the last written text at the end of the microfilm publication.

The documents span a period from the earliest surviving sixteenth century texts through the year 1842.

### How They Were Copied

The editors depended on many archives and repositories for exact xerographic copies of original documents in their possession. Their valuable cooperation was unstinted, but the variety of their facilities for copying prevented the adoption of a uniform reduction ratio. Therefore, although the final microfilming at Research

Publications was done at a constant reduction ratio, there is no constant relation between the relative size of documents on our film and the actual dimensions of the originals.

The integrity of the documents was the editors' foremost concern. No document has been altered. Very few extractions were made and they are noted in every case. No marks were made by us on copies received except, in some cases, for bold editorial lines with arrows, to denote the beginning and end of a document. Such indications were also used to note overlapping when a large page had to be copied in sections.

The editors aimed at comprehensiveness. This objective required inclusion of some texts so mutilated or faint in the original as to be minimally legible. These are given nevertheless for whatever information can be extracted from them. Some are more legible in the technically enhanced copies than in the originals.

As in all publications, the originals remain the ultimate source to be consulted when issues of textual validity arise. The location of every document is given in a headnote.

## How They Are Presented

Each entry consists of a headnote with the document's date, a brief description, and the source, followed by the document itself. In a few cases a translation or annotation will follow the document.

Each headnote description reflects the perspective of the document rather than editorial comment about it. As descriptions were often taken from catalogs or notations of source repositories, spelling of names is not standardized. Editorial remarks, if present, appear in parentheses or annotations.

Bracketed dates have been assigned by the editors. Single documents are given with the date when written regardless of the time referred to in their contents. This has been done because documents are products of the time and circumstances when written, and these may seriously affect interpretation of the contents. To preserve textual integrity, some texts have been included as found in collections of documents spanning a period of time which is so dated: e.g., 1645-Sept 1654. Multiple copies of the same document, same date, are distinguished as Document I, Document II, etc., and filed in sequence under their common date.

If a document is dated more than one year from the date of the treaty to which it pertains, it is cross-referenced under the treaty date. Because of the prolonged nature of many treaty negotiations, users should scan the compilation's calendar to find appropriate documents within a year of any event of interest. Although cross-references refer to specific documents, distinguished by Roman numerals in cases in which there is more than one document of the same date, references to other documents in editorial remarks within descriptions of a particular document do not make use of Roman numerals to distinguish between documents of the same date. In these cases, all documents of the date cited should be checked for the reference.

The editors have not tried to reconcile or adjust dates in the Old Style Julian calendar used by the English for many years after the French and Dutch had changed over to the New Style Gregorian calendar. Dates are given herein as they appear on the documents. When the English finally changed over, they often gave both new and old dates on the same text; in such instances the editors opted for the New Style annotation.

The project staff has compiled and edited a printed reference manual to assist in interpreting the texts, and we urge that it be kept handy during research. It is The History and Culture of Iroquois Diplomacy: An Interdisciplinary Guide to the Treaties of the Six Nations and Their League (Syracuse: Syracuse University Press, 1984). It is a volume for quick and easy reference, self-contained but especially useful in conjunction with this compilation of documents.

## ACKNOWLEDGEMENTS

This archive could not have been compiled without the generous contributions of counsel and materials from many persons and agencies. No one is intentionally left out of the following list. Pardon is asked for any inadvertent omission.

Indian people: Early in the project, Richard Powless and Paul Williams of the Union of Ontario Indians provided a list of treaty documents. Seven persons from the Union of Ontario Indians visited the project from 23rd to 29th June 1979 and offered comments and suggestions. Phil Monture, Land Researcher at Six Nations Reserve shared knowledge of locations of source materials. George Abrams, Director of the Seneca Iroquois National Museum on the Allegany Seneca Reservation, and Ramona Charles, Librarian at the Community House on the Tonawanda Seneca Reservation, provided information about the location of materials. Tribal historians from different political persuasions on fellowship at the Center discussed the project with staff members during their residence: Norbert Hill and Sandra Orie came from the Oneida Reservation in Wisconsin, and Douglas George, recommended by the "traditional" Mohawk Nation, came from the St. Regis (Akwesasne) Reservation. Everett White, born and raised at St. Regis (Akwesasne), provided valuable information about documents based on his former experiences as an Indian Health Service employee and his personal interest in the history of his people. Most important information and advice were given on a visit by Cayuga Chief Jacob E. Thomas who represents the Cayuga nation in the Grand Council of the Houdenosaunee and teaches in Trent University, Peterborough, Ontario. On 22nd May 1980, Chief Thomas made a joint presentation with Dr. Michael K. Foster, Iroquoian Ethnologist of the Canadian National Museum of Man. At a colloquium at the Newberry, they showed slides and facsimile artifacts and explained symbols in terms of Iroquois custom. Through the following day, Chief Thomas held nonstop conversation with project staff who took extensive notes and taped his analyses of certain wampum belts. He continued

in correspondence afterward. Informal visitors to the project included Charles Patton and Tyler Hemlock, Caughnawaga (Kahnawake) Mohawks; and Alice Armstrong and Helen Laughing, Mohawks employed in the Demographic Office, Mohawk Tribal Offices, St. Regis Reservation.

When Associate Director Mary A. Druke traveled to Indian communities, she was received hospitably everywhere. Indians of Onondaga, including Oren Lyons, Irving Powless, Jr., and Irving Powless, Sr., though unsympathetic to the project, received her graciously and explained their attitudes. Information about documentary material and oral traditions were provided to her by residents of the following Indian communities: Allegany; Cattaraugus; Caughnawaga (Kahnawake), Onondaga, St. Regis (Akwesasne), Six Nations Reserve; Tonawanda; and Tuscarora.

Project Aides:

Consultants. Charles Gehring, of the New York State Library, Manuscripts, provided notes on Dutch manuscripts in the Livingston Family Papers at the Franklin D. Roosevelt Library. Paul Stevens, a Fellow at the McNickle Center, compiled and annotated source documents of the era of the American Revolution. Another McNickle Center Fellow, Professor Richard Haan, contributed copies of odd documents he had been collecting for ten years. Mary Ann Mayes searched William N. Fenton's files and compiled a list of cited Iroquois documents. Lieutenant Commander C. McD. Stuart, RN, searched uncalendared treaty texts at the Public Record Office of Great Britain and arranged for transmission of copies. Paul Grey, graduate student at the University of London, acted as liaison between the project staff and the Public Record Office in acquiring documents ordered by the staff. Professional indexer Elin Christianson advised on indexing procedures. Major F.E.G. Bageshawe, of Matlock, England, provided photographs of a wampum belt in private hands.

Office employees at various times included Nancy Kovitz; Peter Radke; Polly Strong, University of Chicago graduate student; Andrew Tobin, Bennington College student; Karli Erica White. Wesley Andrews arranged much of the final organization of the archive files. The project was also helped by several students enrolled in undergraduate independent study seminars of the Association of the Colleges of the Midwest and the Great Lakes Colleges Association, whose wages were paid by the associations and the Newberry. David L. Ghere accomplished "last minute" tasks.

Volunteers included Claudette Alm; Jeanette Campanella; Lucy Caples; Herbert Furse; Ted Knutson; Nancy Kovitz; Dorothy Markowitz; Virginia Meyers; Noel O'Reilly; Mary Louise Ramsey; Mrs. Gerald Sivage. They sorted and identified the masses of documents arriving in the mails, and put them in order for editors' review.

Newberry Library staff. Special interest was maintained and special help provided by John Aubrey, Michael Kaplan, Steve Mandel, Terry Sullivan, and Michelene Fixico; and much gratitude is owed for the patience of Richard H. Brown.

Advice and information were exchanged with colleagues of the Atlas of Great Lakes Indian History project: Helen Hornbeck Tanner, Adele Hast, and Jacqueline Peterson. The members of the Conference on Iroquois Research and the American Society for Ethnohistory devoted three successive panel sessions to the project at annual meetings.

Institutions:

Special gratitude is owed to the Public Archives of Canada for its gift of copies of treaties and surrenders in its possession. Thanks must also be expressed to the Rochester [N.Y.] Museum and Science Center for its donation of photographs of its large collection of wampum belts. The University of Chicago made copyflo paper copies of microfilm at a minimal cost far below commercial prices. Research Publications sent a photographer without charge to film documents located at the Albany Institute of History and Art and at the New York State Archives in Albany. Work on the project was greatly facilitated by materials collected in research travel previous to the project and incorporated into project files. The American Philosophical Society made such research fellowship grants to Director Jennings and Associate Director Druke. Through such generous contributions, as well as time and energy given by individuals, the project managed to stay within its budget despite its massive increase in size. When the project could not be finished within its allotted three years, the Newberry Library financed it to completion.

Thanks are due to each repository, publication, or individual source of materials listed below which made available copies of materials in its collections. together they have made this publication possible.

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WHERE APPROPRIATE, DOCUMENTS AND WAMPUM BELTS IN THIS MICROFILM PUBLICATION ARE INCLUDED WITH THE KIND PERMISSION OF THE SOURCES LISTED ABOVE. IN OTHER INSTANCES, PERMISSION FOR INCLUSION WAS NOT GRANTED, AND IN THIS CASE, A REFERENCE TO THE DOCUMENT IS INCLUDED IN THE CALENDAR OF DOCUMENTS PUBLISHED IN THE GUIDE TO THIS COLLECTION. ON THE MICROFILM, A GAP IN THE SEQUENTIAL NUMBERING OF DOCUMENTS HEADED BY THE SAME DATE IS AN INDICATION OF A DOCUMENT DELETION DUE TO FAILURE TO OBTAIN REPRODUCTION PERMISSION.

By the Honourable Sir William Johnson, Bart. His Majesty's Superintendan
of Indian Affairs for the Northern District of North America; Colonel of the Six
United Nations, their Allies and Dependants, and of His Majesty's Council for the Province of New York.

## A Proclamation.

Whereas I have received His Majesty's Royal Proclamation, given at the Court of St. James the eleventh Day of October last, together with a Letter from the Right Honourable Lords Commissioners for the Trade and Plantations, of the Tenth of October last signifying His Majesty's Commands, that I should cause the same" to be forthwith made publick in the several Parts of my Jurisdiction, and that I should strictly enjoin all Persons whatever whom it might concern, to pay a due Obedience thereto on their Parts." Which Proclamation is in the Words following.

By The King,
A Proclamation

George, R.

Whereas We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to our Crown by the late Definitive Treaty of Peace, concluded at Paris the Tenth Day of February last; and being desirous, that all our loving Subjects, as well of Our Kingdoms as of our colonies in America, may avail themselves, with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation; We have thought fit, with the Advice of our Privy council, to issue this our Royal Proclamation, hereby to publish and declare to all our loving Subjects, that We have, with the Advice of our said Privy council, granted our Letters Patent under our Great Seal of Great Britain, to erect within the Countries and Islands ceded and confirmed to Us by the said Treaty, Four distinct and separate Governments, stiled and called by the Names of Quebec, East Florida, West Florida, and Granada and limitted and bounded as follows; Viz.

First. The Government of Quebec, bounded on the Labrador coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake

St john to the South End of the Lake Nipiſsin; from whence the said Line croſsing the River St Lawrence and the Lake Champlain in Forty five Degrees of North Latituded, paſses along the High Lands which divide the Rivers that empty themselves into the said River St Lawrence, from those which fall into the Sea, and also along the North coast of the Bay des Chaleurs, and the Coast of the Gulph of St Lawrence to cape Rosieres, and from thence croſsing the Mouth of the River St Lawrence by the West End of the Island of Anticosti terminates at the aforesaid River St john.

Secondly. The Government of East Florida, bounded to the Westward by the Gulph of Mexico, and the Apalichicola River; to the Northward by a Line drawn from that Part of the said River where the Chatabouchee and Flint Rivers meet, to the Source of St Mary's River, and by the Course of the said River to the Atlnatick Ocean; and to the Eastward and Southward, by the Atlantick Ocean, and the Gulph of Florida, including all Islands within Six Leagues of the Sea coast.

Thirdly. The Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the coast from the River Apalachicola to Lake Pontchartrain; to the Westward by the said Lake, the Lake Maurepas and the River Miſsisippi; to the Northward by a Line drawn due East from that Part of the River Miſsisippi which lies in Thirty one Degrees North Latitude, to the River Apalachicola or Chatahouchee; and to the Eastward by the said River.

Fourthly. The Government of Granada, comprehending the Island of that Name, together with the Grenadines, and the Islands of Dominico, St. Vincents, and Tobago.

And, to the End that the open and free Fishery of our Subjects may be extended to and carried on upon the coast of Labrador, and the adjacent Islands, We have thought fit with the Advice of our said Privy Council, to put all that coast, from the River St. John's to Hudson's Streights, together with all the Islands of Anticosti and Magdelaine, and other smaller Islands lying upon the said coast, under the care and Inspection of our Governor of Newfoundland.

We have also, with the Advice of our Privy council, thought it to annex the Islands of St. John's and Cape Breton or Isle Royale, with the leſser Islands adjacent thereto, to our Government of Nova Scotia.

We have also, with the Advice of our Privy Council aforesaid, annexed to our Province of Georgia, all the Lands lying between the Rivers Altamaba and St Marys.

And whereas it will greatly contribute to the speedy settling our said new Governments, that our loving Subjects should be informed of our Paternal Care for the Security of the Liberties and Properties of those who are and shall become Inhabitants thereof; We have thought fit to publ and declare, by this our Proclamation, that We have, in the Letters Patents under our Great Seal of Great Britain, by which the said Governments are constituted, given expreſs Power and Direction to our Governors of our said Colonies respectively, that so soon as the State and Circumstances of the said Colonies Will admit thereof; they shall with the Advice and Consent of the Members of our Council, summon and call General Aſsemblies within the said Governments respectively, in such Manner and from as is used and directed in those Colonies and Provinces in America, which are under our immediate Government; and We have also given Power to the said Governors, with the consent of our Councils, and the Representatives of the People, so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and ordinances for the Publick Peace, Welfare and Good Government of our said colonies, and of the People and Inhabitants thereof; as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other colonies; and in the mean Time, and until such Aſsemblies can be called as aforesaid, all Persons

Persons inhabiting in or resorting to our said Colonies may confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England; for which Purpose We have given Power under our Great Seal to the Governors of our said Colonies respectively, to erect and constitute, with the Advice of our said Councils respectively, Courts of Judicature and Publick Justice within our said Colonies, for the hearing and determining all Causes as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts in all Civil Cases or Tryals under the usual Limitations and Restrictions to Us, in our Privy Council.

We have also thought fit, with the Advice of our Privy Council as aforesaid, to give unto the Governor and Councils of our said Three new Colonies upon the Continent, full Power and Authority to settle and agree with the Inhabitants of our said new Colonies, or with any other Persons who shall resort thereto, for such Lands, Tenements, and Hereditaments, as are now or hereafter shall be in our Power to dispose of and them to grant to any such Person or Persons, upon such Terms, and under such moderate Quit-Rents Services and Acknowledgements, as have been appointed and settled in our other Colonies, and under such other Conditions as shall appear to Us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and Settlement of our said Colonies.

And whereas We are desirous, upon all Occasions, to testify our Royal Sense and Approbation of the Conduct and Bravery of the Officers and Soldiers of our Armies, and to reward the same; We do hereby command and impower our Governors of our Three New Colonies, and all other our Governors of our several Provinces on the Continent of North America, to grant without Fee or Reward, to such reduced Officers as have served in North America during the late War, and to such private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following Quantities of Lands, subject at the Expiration of Ten Years to the same Quit-Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvements, Viz.

To every Person having the Rank of a Field officer, Five Thousand Acres. – To every Captain, Three Thousand Acres. – To every Subaltern or Staff Officer, Two Thousand Acres. – To every Non-Commission Officer, Two Hundred Acres. – To every Private Man, Fifty Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all our said Colonies upon the Continent of North-America, to grant the like Quantities of Land, and upon the same Conditions, to such reduced officers of our Navy of the Rank, as served on board our Ships of War in North America at the Times of the Reduction of Louisbourg and Quebec in the late War, and who shall personally apply to our respective Governors for such Grants.

And whereas it is just and reasonable, and essential to our Interest and the Security of our Colonies, that the several Nations or Tribes of Indians, with whom we are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of our Dominions and

and Territories as, not having been ceded to, or purchased by Us, are reserved to them, or any of them as their Hunting Grounds; We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants or Survey, or paſs any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commiſsions; as also, that no Governor or Commander in Chief in any of our other Colonies or Plantations in America, do presume, for the present and until our further Pleasure be known, to grant Warrants of Survey, or paſs Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantick Ocean from the West and North West, or upon any Lands whatever, which not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the Use of the said Indians, all the Lands and Territories not included within the Limits of our said Three New Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West, as aforesaid; and We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial Leave and Licence for that Purpose first obtained.

And We do further strictly enjoin and require all Persons whatever, who have either wilfully or inadvertently seated themselves upon any Land within the Countries above described, or upon any other Lands, which, not having been ceded to, or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great Prejudice of our interest, and to the great Dissatisfaction of the said Indians; in order therefore to prevent such Irregularities for the future, and to the End that the Indians may be convinced of our Justice, and determined Resolution to remove all reasonable Cause of Discontent, We do with the Advice of our Privy Council, strictly enjoin and require that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those Parts of our Colonies where We have thought proper to allow Settlements; but that if at any Time, any of the said Indians should be inclined to dispose of the said Lands the same shall be purchased only for Us, in our Name, at some Publick Meeting or Assembly of the said Indians to be held for that Purpose by the Governor or Commander in Chief of our Colonies respectively, within which they shall lie; and in Case they shall lie within the Limits of any Proprietary Government, they shall be purchased only for the Use and in the Name of such Proprietaries, conformable to to such Directions and Instructions as We or they shall think proper to give for that Purpose: And We do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever; provided that every Person, who may incline to trade with the said Indians, to take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of our Colonies respectively, where such Person shall reside; and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves, or by our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade; and We do hereby authorize, enjoin, and require the Governors Commanders in Chief of all our Colonies respectively, as well those under our immediate Government as Those under the Government and Direction of Proprietaries to grant such Licence, without Fee or Reward, taking especial care to insert therein a Condition, that such Licence shall be void and the Security forfeited, in case the Person to whom the same is granted, shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid. And we do further expressly enjoin and require all Officers whatever, as well Military as those employed in the Management and Direction of Indian Affairs within the Territories reserved as aforesaid for the Use of the said Indians, to seize and apprehend all Persons whatever, who, standing charged with Treasons, Mispresions of Treason, Murders or other Felonies or Misdemeanors shall fly from Justice and take Refuge the said Territory, and to send them under proper Guard to the Colony where the Crime was committe of which they stand accused, in order to take their Tryal for the same.

Given at Our Court at St James's the Seventh Day of October, One Thousand Seven Hundred and Sixty Three. In the Third Year of our Reign.

God Save the King.

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I Do, in Obedience to His Majesty's Command give this publick Notice to all Persons residing within my Jurisdiction, (being that Country justly Claimed by the Six Nations, their Allies and Dependants) that I will, to the Utmost of my Power, cause the same to be observed: And I do strictly enjoin all such Persons to pay due Obedience thereto.

Given under my Hand and Seal at Arms, at Johnson Hall, the 24th Day of December 1763, in the Fourth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland; King Defender of the Faith, and so forth.

William Johnson.

By order of Sir William Johnson.
Witham Marsh, Secry. for Indian Affairs.

God Save the King

Answers to Certain Queries proposed by the Committee of the Executive Council, vide Mr. George Ryland's Letter of the 27th October 1836.

Return of Indians under the protection of the Indian Department in Lower Canada, 12th December 1836.

| No. | Post | Tribe | Men | Women | Children under 14 years | Total |
|---|---|---|---|---|---|---|
| 1 | Sault St. Louis | Iroquois | 268 | 283 | 381 | 932 |
| 2 | St. Regis | Ditto | 105 | 109 | 167 | 381 |
| 3 | St. Francis | Abenaquois | 98 | 111 | 121 | 330 |
| 4 | Lake of the two Mountains | Algonquins | 87 | 94 | 117 | 298 |
|  |  | Nipissingues | 79 | 95 | 90 | 264 |
|  |  | Iroquois | 86 | 101 | 113 | 300 |
| 5 | Three Rivers | Algonquins | 22 | 28 | 21 | 71 |
| 6 | River St. Maurice | Têtes de Boule | 9 | 6 | 13 | 28 |
| 7 | Becancour | Abenaquois | 35 | 44 | 40 | 119 |
| 8 | Lorette | Hurons | 63 | 78 | 78 | 219 |
| 9 | River Verte Settlement | Amalicites | 35 | 33 | 37 | 105 |
| 10 | Ristigouche & Gaspe | Micmacs | 138 | 143 | 149 | 430 |
| 11 | Wandering Amalicites | Micmacs & others without any fixed residence | 33 | 33 | 32 | 98 |
|  |  |  |  |  |  | 3575 |

**A.** Number Stated in the Return of 1833 (the last recd. from the superintendent) since that year several Indians have left the Settlement & who should now be classed as wanderers.

**B.** Number of Wanderers presents at Point Levi in August 1836, to which might be added about 70 Amalicites who are supposed to have abandoned the Settlement of the River Verte.

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# Iroquois of the Sault St. Louis

A Number of the able bodied Indians of this post are employed as Pilots for rafts and Batteaux during the Season of navigation; but it is stated by the Chiefs, that in most instances the money which their young men acquire in this way is spent in Liquor before they return to their Village: there are some active Hunters in the Tribe who subsist in part by the Chace during the winter Months.—

The Cultivation of the Land is left principally to the old men and the Women, the latter also employ themselves occasionally in making up Moccasins snow shoes and Baskets for Sale;—

but the principal support of these and all other Indians in Lower Canada is derived from fishing and hunting:— one man three women and 2 Children at this Village, (of the Families of Indians wounded in action during the late war) receive gratuitous Rations from Government.—

The Seigniory of the Sault St Louis was granted to the Jesuits in the Year 1680," pour Contribuer a la Conversion, instruction, et subsistence des Iroquois:"— This Concession was made by two separate Grants the first from Louis 14th dated 29th May 1680, confined to a front of 2 Leagues:— the Second from the Compte de Frontenac, dated 31st October 1680 being an addition to that front of 1½ Leagues or there abouts, by a depth of 2 Leagues.—

The following conditional clause is extracted from the Titles. "a la charge que la ditte Terre nommée le Sault "appartiendra toutte déffrichée à sa Majesté, lorsque les dits "Iroquois l'abandonneront."—

The Seigniory continued under the superintendence & management of the Jesuit Priests until the 15th April 1762, when it was entirely and exclusively vested in the Iroquois under the Supervision of the Indian Dept, by the Ordonnance of that date of Mr General The Honble Thomas Gage

Thomas Gage

## Thomas Gage, Governor of Montreal.—

The Land is of an indifferent quality along the front of this extensive Tract: in the rear Concessions and those on the River la Tortue it is better adapted for agricultural purposes. —

The revenue of the Iroquois Indians of the Sault St Louis arising from Rents, Lots et rentes, and the value of wheat received as Toll at their Mill, during the 5 years ended in 1834, had averaged £ 205 " 13 " 2 Currency per Annum: — A great proportion of this income was expended in the repairs of the Mill, the Salary of the Miller, and the Support of the Church at Caughnawaga: — the Chiefs of this Tribe receive an annuity from the State of new York, of £ 62 " 10 " 0 Currency, for Lands sold to the people of that State under a Treaty executed in the City of new York on the 31st May 1795: — The terms and conditions of the new Titles or Declarations under the Letters Patent de Terrier of 19th December 1827 are such as are usual, and have been stipulated in the grants made in the Seigniories heretofore belonging to the late order of Jesuits in this Province:

The Seigniory of the Sault St Louis is at present under the immediate management of an agent duly authorized. He is required to render an attested Account Current of the transactions of his Agency to the 31st of October in each year, and to explain to the Iroquois Chiefs in full
A. Council (in the presence of the Missionary, and the Superintendent of Indians in the District,) the particulars of the several charges and credits therein, and
B. finally to transmit the account and vouchers to the Secretary of Indian Affairs for the information of the Commander of the Forces or Governor in Chief. —

The Iroquois have 2230 acres of Land under cultivation, after the Indian manner, on their Seigniory: Their Crops in the Year 1835 Amounted to

64 Bushels Wheat.
312 do Oats.
3391 do Indian Corn.
818 do Pease & Beans.
2776 do Potatoes: being the joint Stock of the Tribe consisting of 932 Souls.—

There are not any amongst these Indians who derive the whole of their Support from agriculture; but they are all in part subsisted from this source.

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## Iroquois of St Regis

Several of the Youngmen of this Post obtain employment during the summer Season as Raftsmen & Boatmen like their Brethren of the Sault St Louis; and many of them follow the chase for a great part of the winter.

The aged and least active men and the women attend to the cultivation of the reserved Land in the possession of the Tribe and by the success of the fishermen a considerable part of their support is obtained in the Spring and summer.—

One man & two Women of this Village are allowed permanent Rations of Provisions from the Public Stores.—

The Tract of Land occupied by the British Indians of St Regis in Lower Canada is of a triangular form extending from the Peninsula of St Regis (on which the Village stands) about 12 miles along the borders of the River St Lawrence and Lake St Francis by which it is bounded to the north:

and

and to the south by the division line between the Province and the state of New York for a distance of nearly 14 miles and on the East by the Township of Godmanchester containing about 21000 acres.— These Indians are also the Proprietors of nine Islands in the River St Lawrence and of a reservation of Land in the Eastern District of Upper Canada lying between the counties of Stormont and Glengarry amounting together to 28250 acres or thereabouts.—

The Lands abovementioned form but a small portion of the Hunting Grounds of the once powerful Iroquois Nation and are supposed to have been occupied by this Tribe since the first settlement of Canada: their Title originally was a mere occupancy for the purpose of Hunting; but it was recognized and acknowledged by the Government of France before the Conquest and subsequently secured to them by that of England by the 40th article of the Capitulation signed at Montreal on the 8th September 1760 and by the Royal Proclamation dated at St James the 7th October 1763.— In process of time (about the year 1796) the vicinity of the new settlements rendered the Tract in Lower Canada useless as a Hunting Ground and the Iroquois Indians, in order to turn it to advantage, leased it out in small farms to actual settlers, for an annual Rent, and since the year 1822 the leases so granted have been ratified & confirme by the Commander of the Forces or the Governor in Chief.—

The Reserve in Lower Canada though rather low and swampy in some places is a fine agricultural Tract throughout.

The Land in Upper Canada is of a good quality and a large portion of it is under cultivation.— The amount of the Income of the St Regis Indians during the 5 years ended in 1835, shews an average of £351.15.2 Currency per annum— about one fourth of this Revenue is expended upon the Church and other Public expenses of the Tribe and the balance or balance or net Proceed is distributed equally amongst the Indians at the close of each year.— The Lands in Lower Canada excepting about 3000 acres reserved by the Tribe are granted on Leases for period of from 30 to 99 years approved heretofore by the Commander of the Forces but at present by the Governor in Chief:— Enclosure **A** is the Copy of a Lease approved by Lieut: General Sir James Kempt as Commander of the Forces in the Year 1830.— The Reservation in Upper Canada is nearly all granted by the Chiefs upon Leases for 999 years; but from the difficulty experienced in the Collection of the Rents they have sollicited the protection of the Government of Upper Canada and an arrangement (recommended by the executive Council at Toronto) is in progress by which the Indians are to surrender the whole of this Reserve for a perpetual annuity of £200 Halifax Currency.— The St Regis Property is under the management of Mr Chesley the agent appointed by the Earl of Dalhousie & a Committee of 12 Chiefs & warriors named by the Tribe. The Accounts of this agency are made up to the 31st of October in each year & transmitted to the Secretary for Indian Affairs for the information of the Governor in Chief.— The Indians of St Regis have about 361 acres of Lands under Cultivation but with very indifferent success.— their Knowledge of forming is exceedingly limited and they do not appear to have profited as yet by the improved system of agriculture followed by their own Tenants may of whom are experienced Farmers from Scotland.

During the last 2 years these Indians have suffered much from the Partial failure of their Crops.—

The agent states that he Knows of no Individual in the Tribe who is supported wholly from this source.—

## Abenaquis Tribe of St. Francis

Between 40 & 50 of these Indians are actively engaged as Hunters during the Winter Season and are supported principally from the profits of the Chace.— 5 or 6 Families of the Hunters reside occasionally upon Land granted to them in the Township of Durham, and there are 14 Families who have leased seperate Lots from the Chiefs at St. Francis and who pay the same Rents as the Canadian Tenants: These latter subsist wholly by Agriculture and do not cultivate any Land in common with the other members of the Tribe.—

The Women are much engaged in the manufacture of Bark work and fancy Indian ornaments.—

The families of Wounded Indians at this Post in the receipt of free Rations consist of 2 men 5 women & 8 Children.—

The Lands belonging to this Tribe are located within the Seigniories of St. Francis & Pierreville: the extent of Territory originally granted to the Abenaquis in the seigniory of St. Francis comprehends ½ a League in Depth ascending the River by a League in breadth: and in Pierreville half a League

League and 5th acres in Depth (adjoining the above) by a League and a half in breadth: The River St Francis paſsing nearly through the Center of the Grant, and they have likewise acquired in the Seigniory of St Francis about a mile more in Front on the north East side of the River only and situated below the above mentioned, by the depth that may be found between that and the adjoining Seigniory of Luſsaudiere —

They also poſseſs 14 Islands in that part of the River which paſses through their Property, one of which contains probably 100 acres, and produces a quantity of Hay: — the others are small and average from 1 to 10 acres. —

The Grant for St Francis is described as a Title of Conceſsion dated 23d August 1700 from Dame Marguerite Hertel widow of the Sieur Jean Crevier, Seignior of St Francis to the Abenaquois Indians represented by the Revd Jacque Bigot their Miſsionary; and that for Pierreville is an acte paſsed at 3 Rivers on the 10th of May 1701 by Sieur Antoine Plagniol and Charlotte Giguire his wife to the said Indians so represented — In those Grants the Seigniors have reserved the right of reuniting to either Seigniory, Lands abandoned by the Indians, and of diſpoſseſsing the Abenaquois, as soon as the Religious Miſsion should cease to reside upon the Conceded Lands —

The Land in both Conceſsions is of a very inferior quality, being for the most part a dry sandy soil without any admixture of Clay. —

In the Year 1805 a number of Lots in the Township of Durham amounting in all to 8900 acres were granted

granted in free and Common Soccage to 17 Heads of Families of the Abenaquois Tribe of St Francis for their own private use and benefit and that of their Heirs and Successors for ever: subject to the following Condition that the said Lots of Land so granted nor any nor either of them nor any part thereof shall in any wise be capable of being alienated, Leased, transferred, conveyed, or otherwise disposed of by our said grantees or any or either of them, to any person or persons, in any manner or way whatsoever". — It does not appear, however, that the original Grantees or their Heirs were made acquainted with the terms of this Grant, as they have leased several of their Lots for 99 years, to discharged Soldiers and other Settlers from the neighbourhood of Drummondville. —

In the year 1829 these Tenants addressed a Petition to Sir James Kempt, praying to be allowed to purchase the Lots held by Lease from the Indians, or to hold them at a quit Rent from the Crown, and that Hunting Grounds might be assigned to the Abenaquois some where else. — This petition is I beleive under the consideration of the Attorney General, to whom it was referred, by directions of the Late Governor in Chief. — The amount of the Income received by the Chiefs of St Francis from the years 1831 to 1835 inclusive shews an average of £ 61"8"0 Currency per annum

For some years past this small Revenue has been expended principally in paying off debts contracted on account of the building of the new Church of that Village, and other incidental

incidental expenses of a public nature usually charged against the Funds of the Tribe.—

The Management of the St Francis Property is confided to an Agent selected by the Chiefs and approved by the officer at the Head of the Indian Dept. The Chiefs grant the same Titles to their Tenants as other Seigneurs in Lower Canada.— The Abenaquois of St Francis have about 250 acres of Land under cultivation in common but I have reason to believe that ~~more~~ none of them, with the exception of the 14 Families abovementioned subsist wholly by farming.—

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# Iroquois Algonquins & Nipissingues at the Lake of the Two Mountains

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The Tribes at this Post do not possess any Land from which a Revenue is derived and have heretofore depended upon their Hunting for the principal part of their support their situation as Hunters is however becoming truly alarming by the rapid settlements of their Hunting Grounds on the North Bank of the Ottawa which had been secured to them by His Majestys Proclamation of 1763 and by the indiscriminate destruction by the Settlers of the Beaver & other animals from which the most valuable Furs are obtained.— a few of the Iroquois find employment during the Summer as Pilots & Raftsmen to the Rafts which are brought down the Ottawa River to Montreal.— The Women and aged men reside

principally

principally at the village: in the vicinity of which they cultivate small patches of Land by permission of the Priests of St Sulpice who are the Proprietors of the Seigniory of Two Mountains. — The quantity of Land occupied by these Tribes is Stated as follows

Iroquois ——— about ——— 150 acres ———
——— Algonquins ——— Do ——— 60 Do ———
——— Nipissingues ——— Do ——— 50 Do ———

It is a mere sand hill throughout and the produce of it bears no proportion to the extent occupied. —

By the partial failure of their Crops of 1835 & their ill success in the chace during the winter of that Year the Indians of the Lake were reduced to a state of absolute want, and it is supposed, that many of them would have perished; but for the supply of Pork & Flour issued to them by order of His Excellency The Earl of Gosford in the month of July last — 2 men 5 women & 3 Children of the abovementioned Tribes receive gratuitous Rations of Provisions. —

The Indians of this Post as well as their Brethren of St Regis, the Sault St Louis and St Francis were much employed in the field during the late War and behaved well before the Enemy. —

# Algonquins of Three Rivers.

With the exception of two Families these Indians do not possess any Landed Property whatever, but subsist wholly by hunting and fishing: — The Women are much engaged in the manufacture of Embroidered Mitts and Moccasins and other

Fancy

Fancy articles for which they find a ready sale at Three Rivers.— The two families alluded to hold a Lot of Land each in the Parish of Batiscan and it is stated that they have about 46 acres under cultivation.—

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# Têtes de Boules of the River St Maurice.

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These are wandering Indians who live wholly by fishing and Hunting and not by agriculture:- they are the least civilized of any Tribe in the Province, have no fixed residence & never quit their grounds until about the period at which they have been accustomed to receive their Great Father's Annual Bounty.—

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# Abenaquois of Becancour.

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There are a few active Hunters at this village but the majority of the Tribe support themselves by the produce of the small tract of Land in their possession and by fishing.— The Women make Baskets and other trifles for Sale.— These Indians are extremely poor and depend all ogether upon their Presents for the Clothing of their Families.—

The Abenaquois Indians of Becancour were at one time Proprietors of a portion of the Seigniory of that name which was granted to them by Messire Pierre Robineau Chevalier Seigneur de Becancour, Baron de Portneuf & by acte passed before Daniel Normandin Notaire, at the Missionaries House in the said Seigniory on the 30th April 1708; but

But by an acte paſsed in the year 1760, these Indians in consideration of a certain sum of money paid to them by Monsie Monteſson, did cede and abandon to him the whole of the Territory granted to them in the year 1708, with the exception only of that part actually occupied by them:– they have at present about 50 acres under cultivation, including some small Islands in the River Becancour, near their Village which in the year 1835 produced 43 Bushels of wheat 161 Bushels Indian Corn and 353 Bushels of Potatoes The Indian Land at Becancour is reported to be of a good quality.–

# Hurons of Lorette.

The Indians of this Village derive many advantages from their proximity to Quebec where they find a ready sale for the various articles Manufactured by their Women, and for the game and fish taken by their Young men, several of whom are very expert Hunters.–

The Land in the poſseſsion of the Hurons, besides their Village, is very trifling being at present only 40 Square acres in the Seigniory of St Gabriel, a Gift from the Jesuits and a field of about 30 acres which they cultivate in common: Their Crops in the year 1835 amounted to.– 15 Bushels of Wheat

| | | | |
|---|---|---|---|
| | 250 | do | Oats |
| | 615 | do | Potatoes |
| | 6½ | do | Beans |

But the superintendent states that none of them derive the whole of their support from Agriculture.–

# Amalicite Indians at the Settlement on the River Verte:

Colonel Duchesnay The Superintendent of Indians in the District of Quebec having made a seperate Report in relation to this settlement I deemit proper to submit it herewith in origniál.— in answer to the 7th set of Queries.—

# Micmac Indians of Ristigouche and new Richmond:

I understand from Mr. Juchesau Duchesnay that a large tract of Land was allotted to these Indians by the judgement or Report of Certain Commissioners appointed under an Act of the Legislature to adjust all claims to Land in the District of Gaspe, and that such Report has been deposited in the Council office.— The Micmac Indians have not received any presents or other assistance from Government since Lord Aylmers Visit to the District of Gaspe in the year 1831— and from their very remote situation it has not been practicable to ascertain with any degree of accuracy the value and extent of their improvements or whether they derive their support in whole or in part from agriculture.—

# Wandering Indians of the Amalicite Micmac & other Tribes

These unfortunate Indians who are for the most part in a state of complete destitution subsist exclusively by fishing & Hunting and on the produce of Sundry articles made by their Women.—

They have diminished in number more than one half since the year 1832.—

The Estimation in which the Presents are still held by the Indians generally may be appreciated from the fact that many of the Micmac Tribe annually travel from Nova Scotia & New Brunswick to claim those Presents at Quebec.—

The Blankets are indeed essential to their existence; they form their Clothing by day and their Covering by night, and are the only article of any value at present issued to them.—

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# Unsettled Indians:

The Number of Unsettled Indians receiving Presents may be estimated as follows

| | |
|---|---|
| Algonquins of 3 Rivers | 60 |
| Têtes de Boules of the River St Maurice | 28 |
| Amalicites who have abandoned the settlement at the river Verte supposed to amount to | |
| Wandering Micmacs Amalicites and others having unfixed residence about | 98 |

The Algonquin Nipissingues & Iroquois Tribes of the Lake of the Two Mountains are employed principally in hunting &

fishing and lead a wandering life for nearly 9 months in the year they have no Landed property of their own and may be classed as Unsettled Indians.—

Memorandum—

I am of opinion that with proper assistance many of the Indians abovementioned might be induced to settle upon Land.—

## Education of the Indians:

It does not appear that anything have been done towards Educating the Indians of Lower Canada previously to the year 1826 with the exception of the School established at Lorette by the Jesuits and continued under the Indian Department to the present time

In the course of that year (1825) a School was opened in the Village of Caughnawaga by the Montreal Branch "the Society for promoting Education and Industry in Canada," with the sanction of Lord Dalhousie which for a short time promised the most satisfactory result by from the objections raised by the Roman Catholic Missionary, the Revd Joseph Marcoux to the Introduction of the English Language amongst the Indians, the Children were gradually withdrawn from the School:— the Society having appointed a deputation of its Members to proceed to that Village for the purpose of investigating & if possible of finding out the source and Cause of so unexpected an occurrence.—

I am enabled to submit a Copy of the Report of Mr Justice Pyke enclosure B) the principal member of the deputation in question which explains very distinctly the

Nature

nature and extent of the opposition of the Missionary to the benevolent designes of the society.—

In the year 1829 Sir James Kempt authorized the necessary expense for the Education of 6 Indians Boys by way of experiment at the English School under the direction of Mr Charles Forest at Chateauguay, which in the year 1834 had so far succeeded as to induce Lord Aylmer to increase the number of Boys to 12:- They are instructed upon the Lancasterian System in English Reading Writing, Arithmetic, Grammar and Geography and the expense incurred for the Board & Tuition of each Boy does not exceed £20 Sterling per annum. two of these youths have been dismissed by Mr Forest as being perfectly competent to take charge of Schools and it appears by the last quarterly Report of that Gentleman, a Copy of which Enclosure C) is herewith submitted, that there are at present Ten Boys under his Superintendence.—

In the month of August 1835 The late Commander of the Forces appointed English Teachers of the Roman Catholic persuasion to conduct the Indian Schools established by His Lordship at Caughnawaga and St Francis but it would appear that the objection to the Language continues to prevail with equal force at both places as there are only 14 Children on the school Return at the former and 2 at the latter villages.—

At the period last mentioned His Lordships was also

also pleased to appoint a Mr. Eleazar Williams, the son of an Iroquois Indian (who had received his Education in the United States & was strongly recommended by Major Plenderleath Christie of Montreal & the Revd George Archbold at Cornwall,) to be schoolmaster in the Indian Department at St Regis; but after an ineffectual attempt to Check the secret influence of certain persons opposed to his religious principles at that Post he were induced to resign the appointment for the Reasons stated in the enclosure marked D transmitted with this Report.—

The Revd F. X. Marcoux the missionary at St Regis is I understand a nephew of the Missionary of that name alluded to in Judge
+ Pyke's Report above mentioned at the suggestion of Lord Aylmer the Gentlemen of the Montreal Seminary opened an English School for the Indian Children at the Lake of Two Mountains in the month of June 1835 which for a short time was attended by nearly 80 Boys, but I regret to observe by the answer received from the superintendent at Montreal (Enclosure E in relation to this School) that the Establishment is now entirely broken up.—

The schoolmaster selected by the Priests was a Young Irish Student in Divinity from the College at Montreal wholly unacquainted with the prevailing system of

System of Instruction in Elementary English schools. —

The School at Lorette already alluded to is irregularly attended by from 20 to 40 Children who are taught to read & write in french; but their progress is by no means satisfactory. — The schoolmaster is a Huron Indian of good Character, but little Calculated for his situation and from the inadequacy of the Salary allowed by the Indian Department (£18" 11" 5 Sterling) it is very doubtful whether any person of Competent abilities would accept of the appointment. —

In the year 1825, an English School was established at Lorette by the Quebec Branch of the Society for promoting Education & Industry in Canada," which like that of Caughnawaga failed through the opposition of the their Resident Missionary (The Revd. Mr. Cooke) although several of the Chiefs were favorable to the Institution. —

All which is most respectfully submitted. —

# Report on the 7th Query contained in the Circular of the 19th November instant 1835.

Amalicite Indians, how many were settled on Land: what aid was given to them; how long did they remain; what improvements did they make; and what has become of those improvements:

About thirty families began Settlements on a Branch of River Verte in 1829: They were assisted by Government for two Years, in seed and some provisions during the sowing time.—

The first Year they cleared about 70 acres of Land and sowed part of the seed they received on their clearance, and pot^e on ground belonging to Canadian Settlers: as they feared the fire might destroy their crop in their own clearance it being

Surrounded

surrounded by the woods.

The return was good and satisfactory, some families still live and Cultivate the Land.

The extent of their improvements I cannot state any further than the first Year (1829) as that Settlement was not visited by me since, having received no order to that effect.—

The amount of expenses incurred by Government was as follows:

| | |
|---|---|
| survey of the Land | £44"7"7½ |
| Seed furnished 1829 — | 13"19"0 |
| Travelling expenses to Superintendent, to the settlement. | 11"3"9½ |
| Seed furnished 1830 & implements of Agriculture — | 31"10"3 |
| Do. provisions &c. — | 37"15"3 |
| | £138"15"11 |

They hold 3000 acres laid out in 100 Acre Lots, giving each family one Lot.

Their title to the same is an order in Council, dated 28th May 1827 during His Excellency Lord Dalhousie's administration.—

As to the present existing improvements or number of families residing on this tract of Land it is out of my power to report upon, for as I mentioned before I have not visited the Settlement since 1829.—

The whole most respectfully submitted for His Excellency The Governor in Chief's information.

(signed) L. Juchereau Duchesnay
Supt Ind. Dept L. C.

To.
Lt. Colt. Napier
Sec. Ind. Affairs
&c.—

at the time of the said execution and resides in the said City of Albany and knows the said Wheeler May Junior the said witness. — The said Isaac Denniston being well known to me I am satisfied by the proof aforesaid of the due execution of the said instrument and do allow the same to be Recorded — James McKown, Recorder of Albany. —

Exd Examined and compared with the original Feb. 26. 1834 by

Archd Campbell
Dep: Secretary

Know all men by these presents that we the undersigned chiefs and Warriors of that nation of the first christian party of Oneida Indians residing in the Counties of Oneida and Madison have nominated constituted and appointed and by these presents do nominate constitute and appoint Baptist Powlis, Jacob L W Doxtater, Henry Jimkam and Jacob Powlis and Peter Doxtater our true and lawful attorney for us and in our names and in the name of the said portion of the said first christian party of Oneida Indians to make and execute all necessary and suitable instruments and writings to carry into full effect the act of the Legislature of the State of New York to authorise a portion of the first christian party of Oneida Indians to purchase lands of the Second christian party of said Indians: and to do all further and other acts and things in relation thereto as fully and perfectly as if we ourselves were present and executed the same; and in our names to execute to the State of New York all proper drafts, receipts and discharges in relation to the same. In witness whereof we have hereunto set our hands and seals this Eighth d of February in the year of our Lord one th

Examined and compared with the Original February 14. 1837 by

Examined and compared with the Original February 14. 1837 by Archd. Campbell Dep. Secretary

eight hundred and thirty seven. Isaac Wheelock × his mark (L.S.) Henry Antony × his mark (L.S.) Isaac Doxtater × his mark (L.S.) Nicholas Scanadoa × his mark (L.S.) Henry Bread × his mark (L.S.) Joseph Doxtater × his mark (L.S.) Abraham Williams × his mark (L.S.) John Powlis × his mark (L.S.) John Powlis 2d. × his mark (L.S.) Moses Doxtater × his mark (L.S.) Cornelius Doxtater × his mark (L.S.) Nicholas Wheelock × his mark (L.S.) Polly Powlis × her mark. Cornelius Adams × his mark (L.S.) Signed Sealed and Delivered in presence of Charles C. Hubbard Js. W. Doxtater. State of New york Oneida County ss: on this 9th day of February A.D. 1837. personally appeared before me the within named Isaac Wheelock, Henry Antony, Isaac Doxtater, Nicholas Scanadoa, Henry Bread, Joseph Doxtater, Abraham Williams, John Powlis John Powlis 2d. Moses Doxtater, Cornelius Doxtater Nicholas Wheelock. Polly Powlis & Cornelius Adams who are to me well known and who severally acknowledged that they had executed the within power of Attorney, for the uses and purposes therein mentioned; and I further certify that I know the individuals within described to be the persons therein named and each of whom executed the said power of attorney. Silas W. Wilder Com. of Deeds &c. [The original of the above is attached to the Comptrollers Warrant dated Feb. 11. 1837]

Know all men by these presents that we the undersigned Chiefs and Warriors of the Second Christian party of Oneida Indians have nominated and appointed and by these presents do nominate and appoint Moses Schuyler, Abraham Schuyler, Aaron Cooper, August, Cornelius, & Cornelius Island our true and lawful Attornies for us and in our names to execute all necessary and proper papers releases Treaties, conveyances and writings, to carry into effect the act of the Legislature of this State to authorise a portion of the first christian party of Oneida Indians to purchase lands of the Second Christian party of said Indians and for us and in our names to receive payment for said lands pursuant to the provisions of the said act; and for us and in our names to receive

Examined and compared with the Original February 14. 1837 by Arch. Campbell Dep. Secretary

payment for said lands; and to execute all necessary receipts and releases in relation thereto as they shall deem just and proper. In Witness Whereof We have hereunto set our hands and Seals this Eighth day of February in the Year of our Lord One thousand Eight hundred and thirty seven. Peter Summers × his mark (L.S.) Elijah Williams × his mark (L.S.) Job Antoan × his mark (L.S.) Peter Yarn × his mark (L.S.) Christopher Schuyler × his mark (L.S.) Thomas Summer × his mark (L.S.) William White × his mark (L.S.) William Schuyler × his mark (L.S.) William Doxtater × his mark (L.S.) Tall Nicholas × his mark (L.S.) Moses Charles × his mark (L.S.). Martin Denney × his mark (L.S.) Martin Denney Junior × his mark (L.S.) Abraham Charles × his mark (L.S.) Thomas Denney × his mark (L.S.). Abraham Schuyler Jr. × his mark (L.S.). Signed, Sealed and delivered in presence of J. L. H. Doxtater. Charles C. Hubbard. State of New york County of Oneida to wit. I hereby certify that on this 9th day of February A.D. 1837. personally appeared before me the within named Peter Summers. Elijah Williams, Job Antoan. Peter Yarn, Christopher Schuyler, Thomas Summer, William White, William Schuyler, William Doxtater, Tall Nicholas, Moses Charles, Martin Denney, Martin Denney Junior Abraham Charles. Thomas Denney, and Abraham Schuyler Junior the individuals described in and who have executed the within power of Attorney who are to me well known and who severally acknowledged that they had executed the same for the uses and purposes therein mentioned. Silas W. Wilder Com. of Deeds.

Ex.

[The Original of the above is attached to the Comptrollers warrant dated Feb. 11. 1837]

This Indenture made this eleventh day of February in the year of our Lord one thousand eight hundred and thirty seven between the Second Christian Party of Oneida Indians of the first part and that portion of the first Christian Party of Oneida Indians residing in the Counties of Oneida and Madison and State of New york of the second part Witnesseth that the said second Christian Party of Oneida Indians for and in consideration of the sum of Seven thousand one hundred and Eighty one dollars and twenty four cents to them in hand paid of monies belonging to the said first Christian Party of Oneida Indians pursuant to the provisions of the Act entitled "An Act to authorise a portion of the first Christian Party of Oneida Indians to purchase lands of the Second Christian Party of said Indians", passed February 8. 1837. the receipt whereof is hereby Confessed and acknowledged, have bargained, sold, aliened remised, enfeoffed and conveyed; and by these presents do bargain, sell, alien, remise, enfeoff and convey unto that portion of the said first Christian Party of the Oneida Indians now residing in the said Counties of Oneida and Madison, so much of all that certain tract of land situate lying and being in the said counties of Oneida and Madison on each side of the Oneida Creek and lying southerly of and adjoining to lands sold by the first Christian Party of said Indians to the State of New York on the Eighth day of October in the year of our Lord One thousand eight hundred and twenty nine, and a creek commonly called mud creek and extending from thence southerly so far as the same is owned by or in possession of the said Second Christian Party of Oneida Indians, being all of the lands in the said Counties of Oneida and Madison owned by the said Second Christian Party of Oneida Indians and now in their possession, containing five thousand five hundred acres of land be the same more or less: as shall render the said portion of the said First Christian Party of Oneida Indians joint and equal owners of all the said lands of the said Second Christian party in proportion to the number of individuals belonging to the said portion of the said first Christian Party of the said Indians; and the said Second Christian Party of said Indians and the said portion of the said First Christian Party of Oneida Indians are to have and are hereby vested with the same interest in the said lands and control over the same, as if the said portion of the First Christian Party had always belonged to the said Second Christian Party of Oneida Indians: To have

Recorded February 14. 1837 and agrees with the Original. Compared therewith by Archd. Campbell Dep. Secretary

and to hold the said premises hereby conveyed to the said Portion of said Second Christian Party together with the hereditaments and appurtenances thereunto belonging or in any wise appertaining, and their heirs and assigns forever. But this instrument is not to change or affect in any manner the individual property of any of the said Indians In witness whereof the undersigned Chiefs and Warriors of the said respective parties for themselves and in virtue of full powers have hereunto set their hands and seals the day and year first above written. Moses Schuyler x his mark (LS). Baptist Powlis x his mark (LS) August Cornelius x his mark (LS) Jacob Powlis x his mark (LS) Cornelius Island x his mark (LS) Henry Nimham x his mark (LS) Abraham Schuyler x his mark (LS). Peter Doxstater x his mark (LS) Aaron Cooper x his mark (LS) Jacob L.W. Doxtater x his mark (LS). Signed Sealed and delivered in presence of 2-2: 3-3: 4-4: 5-5: 6-6: made before signatures. Isaac Denniston. Timothy Jenkins. The within was executed under our direction and with our approval. Dated 11th February 1837. Isaac Denniston. A.C. Flagg Compt. Albany ss: I James McKown Recorder of the City of Albany do certify that on this Eleventh day of February 1837 personally appeared before me Moses Schuyler, Baptist Powlis, August Cornelius, Jacob Powlis, Cornelius Island, Henry Nimham, Abraham Schuyler, Peter Dockstater, Aaron Cooper, and Jacob S.W. Doxtater who acknowledged before me respectively that they had executed the within instrument (the nature of which was explained to them by an interpreter) and acknowledged that they had respectively executed the same for the purposes therein mentioned at the same time appeared before me Isaac Denniston who is personally known to me who having been duly sworn deposed that he saw the said instrument executed by the said persons and knows them to be the persons therein mentioned and described and who executed the same, and he subscribed his name as a witness & resides in the City of Albany. Let it be recorded James McKown Recorder of Albany.

{I think the within is in due form
S. Beardsley

[The Original deed was delivered to Tim. Jenkins for the Indians]

**Articles of Agreement** made the twenty third day of February in the year one thousand eight hundred and thirty-seven, **Between** Thomas Ludlow Ogden of the City of New-York, and Joseph Fellows of the County of Ontario Trustees for the Proprietors of the pre-emptive Title of and in the several Tracts of Lands reserved by the Seneca Tribe of Indians, all situate in the State of New-York and severally distinguished by the names of the Buffalo Creek Reservation, the Cattaraugus Reservation, the Allegany Reservation, and the Tonewanta Reservation, — of the First Part; and Heman B. Potter & James Stryker of the City of Buffalo Esquires, and Orlando Allen of the same place Broker, — of the Second Part: —

**Whereas** the parties of the first part in conformity with the declared policy of the Government of the United States are desirous to induce the above mentioned Tribe of Indians to accept for their future and permanent residence a Tract of Country in the Territory West of the River Miſsiſsippi appropriated for Indians inhabiting the Atlantic and other neighbouring States, and are also desirous by fair purchase to Extinguish the right of the said Indians in and to the Lands in this State so reserved by them, and in furtherance of these Objects, and in order to a future Treaty by which to effect the same, the parties of the second part have agreed to open Negotiations with the Chiefs and other leading men of the said Tribe of Indians, & to manage and conduct the same to the best advantage of the parties of the first part, and with all the diligence and discretion in their power:

**Now Therefore, It is mutually declared & agreed** by and between the parties hereto as follows: —

First. — The parties of the second part undertake and agree to use their best Endeavours and Exertions to dispose and induce the said Indians to adopt and pursue the advice & recommendations of the Government of the United States in respect to their removal (and thereof as are not cultivated or rendered subservient to their support. And in order to give effect to such Endeavours the parties of the first part hereby authorise them the said parties of the second part in any Negotiation with the said Indians to hold out and offer (contingent on any such Sale and Release) the following terms and conditions as those on which the parties of the first part are willing to conclude the said Negotiation, and under and subject to the limitations hereinafter expressed.

First. — The sum of One hundred thousand dollars to be paid to the Seneca Nation as the consideration for the Sale & Release of the Whole of the said reserved Lands or in that proportion for the Sale and Release of any part less than the Whole.

Second. — Compensation to Individual Indians for their Buildings and Improvements on the Lands to be so released — such compensation to be secured by the appropriation and Investment by the parties of the first part of a sum not exceeding Seventy five thousand dollars, if the whole, or in that proportion if part only, of the said reserved Lands shall be so sold and released; — such sum to constitute a Fund for the benefit of such Individuals and to be applied in favor of each in such proportions as the said Tribe or any Chiefs or other persons thereto duly authorised by them in Council shall direct; — such proportions to be advanced to each of the said Individual Indians as they shall severally give up their several Improvements and remove to the Tract of Country to be so provided for them: It being understood that the Interest and Income of so much of the said Fund as shall at any time remain unapplied, are to be for the benefit of the parties of the first part.

Third. — Leases to Individual Indians and at nominal rents for any part of the Lands occupied by them, within the limits of the Lands to be so released, for their lives or for terms not exceeding ten years, determinable in both cases when and as soon as they shall cease to live on and occupy the same. —

not exceeding ten years; determinable in both cases when and as soon as they shall cease to live on and occupy the same. —

Second. — The parties of the first part agree to ratify and confirm such Engagements as may be made by the parties of the second part in pursuance of the preceding Article of this Agreement & when duly notified of a Meeting in Council of the said Indians to Negotiate a Treaty with the Owners of the preemptive Title, will by themselves or their authorised Agent attend the said Council and on their part sign and conclude a Treaty to be based on the said Offers and Engagements; it being mutually understood and agreed that the several sums of money to be advanced or invested in pursuance of the several Offers and Engagements above authorized are to be so advanced and invested within Sixty days after notice of the ratification by the Senate of the United States of a valid Treaty between the said Tribe and the Owners of the said pre-emptive Title or their Trustees by which the right and title of the said Tribe shall be effectually released & extinguished in and to the said reserved Lands or some part or parts thereof not less than Forty thousand Acres as hereinafter specified; ~~and that a detailed Statement under the hands of the said parties of the second part of all such Offers and Engagements, showing the amount to be paid to the Seneca Nation and to be invested as a Fund to secure to Individual Indians Compensation for their Buildings and Improvements and the Compensations to be paid for services to Chiefs and other Individuals~~.

Third. — In order to meet the current Expenses of the said Negotiation the parties of the first part agree, to provide a Fund, not exceeding Five thousand dollars, to be advanced from time to time as such Expenses may be incurred, ~~and~~ on the requisition

of

Advances to the amount of three —— hundred dollars, and certain per diem allowances heretofore made or agreed to be made by the parties of the first part to Horatio Jones are to be charged upon and reimbursed out of the said Fund. —

Fourth. — The parties of the first part within sixty days after Notice of such ratification of the said Treaty agree to pay and allow to the parties of the second part for their time and services in and about the said Negotiation the following Compensations in money and Lands, that is to say): —

If the Whole of the said reserved Lands shall be released by the said Treaty, then to pay to the said Heman B. Potter and James Stryker each the sum of Ten thousand dollars in money; Also to convey to the said Orlando Allen in fee simple the following Tract of Land situate in the Tract called the Buffalo Creek Reservation on payment by him of such sum for each Acre of the said Tract as the Lands to be released by the said Treaty shall actually cost the parties of the first part per acre in effecting such release, including as well the considerations, Indemnities and Compensations, of every kind herein mentioned, as also such further compensations not exceeding Twenty six thousand & five hundred dollars as shall be payable to individual Indians or White men in compensations for their services in pursuance of Stipulations made or to be made with them by the parties of the first part, and for the purpose of ascertaining the whole amount of such Cost, the value of the said Tract of Land so to be conveyed to the said Orlando Allen shall be estimated at twenty five dollars per acre, — the said Tract of Land to be laid off on the North Side of the Cazenovia Creek and to be bounded Southwardly by the Middle or Centre of the said Creek,

Westwardly by a North and South line to be drawn in continuation of the division line between Lots Numbers 27 & 28, (Twenty seven and Twenty Eight) of the Mile Strip on the South Side of the

Buffalo Creek Reservation Surveyed for the pre emptive owners of the said Reservation by John Lamberton, On the East by another North and South line to be drawn parallel with and distant Eighty Chains from the last described line, & Northwardly by a line to be drawn between and at right Angles to the two last described lines and from such points therein as will be neceſsary to include within the said several lines above described Five hundred Acres of Land, reserving to the parties of the first part their heirs and aſsigns the right and privilege of erecting any Dam or Dams over and acroſs the said Creek for Hydraulick purposes, and of fastening and securing the same on the Shore and bank of the said Tract. —

And the parties of the first part further agree within the like period to pay to the said parties of the second part in lieu of all other their Expenses and disbursements and of all other Compensations whether for their own services or for Compensations, donations, or allowances to others whose co-operation they may engage or procure, the sum of Fifty thousand dollars provided that if the whole of the said reserved Lands shall not be so released by the said Treaty then such proportionate part only of the said several sums of money shall be so paid and such proportionate part only of the said Tract of Five hundred Acres of Land shall be so conveyed as shall be equal to the proportion which the Lands to be released by the said Treaty shall bear in quantity to the whole Contents of the said reserved Lands; such part of the said Tract of Five hundred acres to be of a fair average value compared with that of the whole of the said Tract. —

Fifth. — It is mutually understood and agreed that the parties of the first part shall not be bound to conclude the Treaty herein contemplated nor to confirm or carry into effect any of the Offers or Engagements herein authorised unleſs the quantity of Land to be sold and released by the said Treaty shall amount to at least Forty thousand Acres, at least Ten thousand Acres of which shall be situate within the said Tract called the Buffalo Creek Reservation, and of which Ten thousand Acres at least one thousand Acres shall be situate in that part of the said Reservation which lies nearest to the boundary line of the City of Buffalo, — nor unless there shall be comprehended within the residue of the said Forty thousand Acres at least two of the four following pieces or parcels of Land, that is to say:—

1. — A Tract to contain at least one thousand Acres in the Tract called the Tonewanta Reservation to be laid off at the High Falls of the Tonewanta Creek in a square form of which the said Falls shall be within One hundred rods of the Centre.

2. — A Tract to contain at least One thousand Acres in the Cattaraugus Reservation at the Mouth of Cattaraugus Creek to be bounded Southwardly by the said Creek, Westwardly by Lake Erie, Eastwardly by a line to run Northwardly from the said Creek parallel with and distant one mile from the Shore of Lake Erie, and North by a line to be drawn at right Angles to the last described line so as to include within the said several lines One thousand Acres.—

3. Another Tract to contain at least one thousand acres in the said Buffalo Creek ——— Reservation to be situate within four miles of the Court House in the City of Buffalo.—

4. A Tract to contain at least one thousand acres within the said Tract called the Allegany Reservation to be laid off and located as the said parties of the first part shall hereafter and at any time prior to the first day of May next by Letter under their hands designate to the parties of the Second part or either of them.

Lastly. — It is hereby mutually agreed that this Contract shall expire and become null and void on the first day of

May, in the year one thousand eight hundred and nate to the parties of the Second part or either of them.

Lastly. — It is hereby mutually agreed that this Contract shall expire and become null and void on the first day of May in the year one thousand eight hundred and thirty eight, unless then or sooner renewed or extended by mutual Agreement under the hands of the parties here or the Survivors of them. —

In Witness whereof the said parties have to these presents set their hands and seals the day and year first above mentioned. —

Sealed & Delivered
In the Presence of.

On the third page the 5th. 6th. 7th. 8th. 9th. & 10th. lines from the bottom obliterated. — and in the 3d. Subdivision of the Fifth Article the following words written over erasures, — "Ancher" — "in" — "Buffalo Creek" — "Situate". —

by T. L. Ogden, James Stryker & Orlando Allen in the presence of
Edmd. Elmendorf Jr.

Sealed and delivered by Joseph Fellows
in the presence of Wm. Young Esqr.

Executed by H. B. Potter
in the presence of
E. G. Spaulding

T. L. Ogden

Joseph Fellows

Herman B. Potter

James Stryker

Orlando Allen

# Additional or Supplementary Articles.

1. It being doubtful whether as to the three fortieth parts of the Tract of Five hundred Acres of Land mentioned in the Fourth Article of the foregoing Agreement the parties of the first part may be authorised to grant and convey the same, it is further agreed that in case they shall not be so authorised then that the North line of the said Tract as the same is above described shall be extended Northwardly so far as may be neceſsary to comprehend within the said Tract Five hundred and thirty seven Acres and one half an Acre, of which thirty seven fortieth parts in Common and undivided with the owner or owners of such three fortieth parts thereof shall be granted and conveyed to the said Orlando Allen, in lieu of the said Tract of Five hundred Acres in severalty as stipulated in the said Article.

2.— In case Dr Henry P. Wilcox shall, within four months from this date agree to unite with the parties of the second part in effecting the Objects of this Agreement and signify to the parties of the first part by writing under his hand his assent thereto and engage to become bound by the Stipulations therein contained in like manner as the parties of the second part are bound, then the said parties of the first part agree to allow and pay to the said Henry P. Wilcox within Sixty days after Notice of the ratification of the Treaty therein contemplated, the sum of Ten thousand dollars in compensation for the services to be rendered by him in obtaining the Release of the Indian Title to the whole of the said reserved Lands (or if the whole shall not be released by the said Treaty) then such proportionate part of the said sum as shall be equal to the proportion which the Lands to be released by the said Treaty shall bear in quantity to the whole contents of the said reserved Lands.—

Dated this 23. February in

the year 1837

Witness as to T. L. Ogden,
James Stryker & Orlando Allen,
Edm^d. Elmendorf Jr.

T. L. Ogden

Joseph Fellows.—

Sealed and delivered by Joseph Fellows
in the presence of Wm Young Jr

Heman B. Potter

Executed by H. B. Potter
in presence of
E. G. Spaulding

James Stryker

Orlando Allen

It being inconvenient for all the persons composing the party of the second part to the within agreement, to execute personally such contracts as may be made from time to time under the last subdivision of the fourth article of the within agreement — we the undersigned James Stryker and Orlando Allen, parties thereto, do therefore hereby authorize and empower Heman B. Potter, also a contracting party, to make and execute in his own name, any & all contracts and memoranda of agreements which he & we shall agree upon as aforesaid, and that we will on our parts jointly and individually ratify & confirm the same and hold ourselves bound thereby in the same manner and to the same extent as if we were made parties thereto and executed the same — Witness our hands & seals this first day of May 1837

James Stryker
O. Allen

Having united with and become one of the party of the second part to the within agreement, I do same and hold ourselves bound in like manner and to the same extent as if we were made parties thereto and executed the same — Witness our hands & seals this first day of May 1837

James Stryker
O. Allen

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Having united with and become one of the party of the second part, to the within agreement, I do hereby, on my part, unite with Messrs. Stryker & Allen in the powers by them given to and conferred upon the above named Heman B. Potter, and agree to ratify his acts and doings by virtue thereof in the same manner & to the same extent that said Stryker and Allen have done — witness my hand & seal this fifth day of July 1837

H. P. Willcox

At a Treaty held in the city of Albany on the twenty fourth day of February in the year of our Lord one thousand eight hundred and thirty seven by his Excellency William L. Marcy Governer of the State of New York, with William Day, William Cornelius and Henry Jordan, chiefs of the Orchard Party of Oneida Indians, it is agreed and covenanted as follows, to wit: The said Indians sell and forever quit claim to the people of the said State one acre of land reserved by the treaty of twenty sixth day of February one thousand eight hundred and thirty four, being the land on which the Church or School house stands and is described in a Survey made by Peleg Gifford in the year one thousand eight hundred and thirty four as follows. Beginning at a point in the road, seventy seven links on a course South fifty two degrees and thirty minutes West from the South west corner of the meeting house, thence South fifty five degrees East four chains and twenty five links, thence North thirty five degrees East two chains and thirty five and an half Links North fifty five degrees West four chains and twenty five links South thirty five degrees West two chains and thirty five links to the place of beginning. In consideration of which the said Governor agrees hereafter to pay to the said Indians such sum as may be obtained for the same on the sale thereof by the State after deducting therefrom the costs and expenses of such sale. In Testimony Whereof the parties to these presents have hereunto set their hands and seals the day and year first above written. W. L. Marcy (LS) William Day x his mark (LS) William Cornelius x his mark (LS) Henry Jordan x his mark (LS) Signed, Sealed and delivered in the presence of Isaac Denniston H. J. Hilton. State of New York Albany ss. On this Twenty fourth day of February 1837 before me personally came William L. Marcy Governor of the State of New York and William Day William Cornelius and Henry Jordan Chiefs of the Orchard Party of the Oneida Indians to me severally known to be the same persons described in and who executed the foregoing Indenture and severally and duly acknowledged to me that that had Executed the same as their act and deed for the uses and purposes therein mentioned. Let it be recorded. R. J. Hilton Judge of Albany County Courts Counsellor &c.

Ex<sup></sup>d/ Examined and Compared with the Original February 24. 1837 by Archd. Campbell
Dep. Secretary

To all to whom these presents shall come Greeting: Know YE that WE the undersigned Chiefs and Head men Warriors and others of the Oneida Nation of Indians residing at Duck Creek in the Territory of Wisconsin reposing Especial trust and confidence in the integrity and ability of Daniel Bread Jacob Cornelius Henry Powles Elijah Skenandore, and Adam Swamp Chiefs and Headmen of our said Nation; Have made constituted and appointed them our true lawful and only attornies for us and in our name and in the name of the Oneida Nation, to confer negotiate and treat with the Executive authorities of the State of New York (and to petition the Legislative authorities of said State if necessary) of and concerning all the annuities belonging to our said Nation created by and under all and every treaty Stipulation had and made between the State of New York and our said Oneida Nation at anytime heretofore and now in the hands of the authorities of the State of New York: and to receive all or any part of the principal of said annuities for our use benefit and behoof as by them shall be thought mete and proper; Hereby ratifying all and whatsoever our said Attornies shall do in and about the premises as fully and amply as if we ourselves were personally present aiding and assisting. Given under our hands at Duck Creek this Sixth day of October in the year of our Lord one

[illegible] in 1818 [illegible] the Oneidas [illegible] herewith [illegible]

To the Honorable the Legislature of the State of New York —

The undersigned inhabitants of the City of Buffalo, respectfully represent, that the Seneca tribe of Indians is possessed of several tracts of land in the western part of the State, the preemptive title of which is held by an association of persons called the Ogden Company — that one of said tracts distinguished by the name of the Buffalo Creek Reservation, is situated in the vicinity of the City of Buffalo and in the very heart of the County of Erie, on which the largest portion of said tribe resides — and that in the opinion of the undersigned the occupation of ~~such~~ these large tracts of land by ~~an~~ the ~~a tribe of~~ Indians, ~~tends in no small degree~~ ~~greatly~~ ~~contributes~~ to retard the settlement and prosperity of the County and is highly prejudicial to the best interests of this ~~growing~~ City — and that if said Indians could be induced to sell out their possessions in this State upon fair terms, and accept for their future and permanent residence, a tract of country west of the Mississippi River, in conformity with the declared policy of the Government of the United States, these lands which are generally of an excellent quality would come into market and be settled by an enterprising white population —

These Indians are now surrounded

~~commu~~ upon the rights of the Indians - and ~~also~~ ~~of the~~ the rights also of the preemptive owners - ~~the greatest~~ It has been the uniform and settled policy of the State to discourage and prevent settlements by white men on Indian lands - and also all manner of dealing and contracting between the Indian and white population respecting those lands; and laws have been passed by the Legislature from time to time ~~to~~ enforcing the policy by severe penalties and declaring void all contracts and dealings ~~between~~ with the Indians ~~and whites~~ ~~in~~ regard to their lands - In de=fiance however, of the existing Statutory provisions, it is understood ~~that~~ ~~Yet~~, the practice of leasing Indian lands to white men is becoming prevalent throughout all the Seneca Reservations; ~~so~~ insomuch that the Indians are gradually assuming the relation of Landlord to a tenantry of white citizens, thereby deriving the means of subsistence without personal labor or exertion - The evils of ~~the~~ such practice are numerous, and are constantly increasing in magnitude - The existing laws should be more rigidly enforced to put a stop to these evils, or new and more protective enactments should be made to carry them into effect. ~~The~~

~~Present Laws~~ -

It is believed that Indian tribes have no title to land in this ~~State~~ country except ~~that~~ of mere possession. That the legal title or right of soil is derived from the sovereign or State, and carries with it the exclusive power to treat with the Indians for their right of possession, which possession cannot be parted with by them, except to the owners of the legal title - - but by the act of leasing the Indians voluntarily part with the actual possession ~~to~~ of the ~~lessees~~ lands thus leased, ~~which, it is conceived, can only attach to the preemptive proprietors.~~

~~[illegible]~~

The effect of this system of leasing if persevered in by the Indians, will be to impede if not wholly to frustrate all attempts of the preemptive owners to negotiate for a release of the Indian right - and will also contravene the settled policy of the ~~State~~ as exhibited in its whole system of Legislation in relation to the Indian tribes -

The whole leasing system ought therefore, in the judgment of the undersigned, to be discountenanced and discontinued by the Legislative authority ~~interposition~~

- The undersigned would therefore

respectfully request your Honorable body; in view of the evils complained of, ~~to~~ pass a law, declaring all lands heretofore or hereafter leased or in any way disposed of by the said Indians or any of them contrary to law, as being virtually surrendered to the persons holding the right of soil, or as having passed from the possession of the Indians by their own act and consent - and giving also to the said preemption owners the right to enter upon and sell or otherwise dispose of, any or all such lands, on condition of their being paid for, whenever thereafter a treaty should be made for the purchase of the ~~said~~ Indian lands. - - -

It is ~~[illegible]~~ believed that a law containing such or similar provisions, would protect the Indians against the cupidity of the whites and against the evils which must inevitably result from the practice of leasing if continued; would be an act of justice to ~~with~~ the preemption owners, and do wrong to no honest man -

And as in duty bound will ever pray - Buffalo March 16. 1837.

In Petition to
the Legislature

Whereas by certain Articles of Agreement bearing date the twenty third day of February 1837 between Thomas L Ogden and Joseph Fellows of the first part & Heman B Potter, James Stryker and Orlando Allen of the second part in relation to the extinguishment of the Indian title to certain lands in the State of New York called the Indian reservations it is provided that in case Henry P. Wilcox should within four months from the date of the said Agreement, agree to unite with the said parties of the second part in effecting the objects of the said Agreement and signify to the said parties of the first part by writing under his hand his assent thereto and engage to become bound by the stipulations therein contained in like manner, as the said parties of the second part are bound then the said parties of the first part agreed to allow and pay to the said Henry P. Wilcox within sixty days after notice of the ratification of the treaty contemplated by the said Agreement the sum of ten thousand Dollars as a compensation for the services to be rendered by him in obtaining the release of the Indian titles to the whole of the said reserved lands, or if the whole should not be released by the said treaty then such proportionate part of the said sum as should be equal to the proportion which the lands to be released by the said treaty should bear in quantity to the whole contents of the said reserved lands_ Now it is hereby declared and agreed by and between the said Thomas L. Ogden and Joseph Fellows of the one part and the said Henry P. Wilcox of the other part in manner and form following:

1. The said Henry P. Wilcox agrees with the said Thomas L. Ogden & Joseph Fellows to become a party to the said recited Agreement and in all respects conform to the stipulations & Conditions therein contained and to be performed on the part of the said Heman B. Potter, James Stryker and Orlando Allen.

2. The said Thomas L Ogden & Joseph Fellows agree with the said Henry P. Wilcox that on the performance of the said stipulations on the part of the said Henry P. Wilcox and on the fulfilment of the said Conditions in all respects he shall be entitled to

in like manner with the said Heman B. Potter, James Stryker and Orlando Allen to receive the said Compensation of ten thousand Dollars or a proportion thereof as provided to be paid to him by the said Agreement as a compensation for his Services as aforesaid.

3. In Consideration of the premises the said Thomas L. Ogden & Joseph Fellows agree to loan to the said Henry P. Wilcox the Sum of $2000 to be repaid to them in 2 years with lawful Interest annually and to be satisfactorily secured by the bond of the said Henry P. Wilcox and by Mortgage on unincumbered Real Estate in the County of Chatauque of at least double the value of the said loan. The said Loan to be made within thirty days after the exhibition to the said Heman B. Potter of a satisfactory title free of all incumbrances of the land to be mortgaged as a Security for the said Loan. In Witness whereof the said Joseph Fellows in his proper person, the said Thomas L. Ogden by his Attorney the said Joseph Fellows and the said Henry P. Wilcox in his proper person have hereunto set their hands and Seals on the ~~day~~ 22 day of June 1837

Sealed and delivered
in the presence of
James Stryker

Tho. L Ogden
by Joseph Fellows (L.S.)
Joseph Fellows. (L.S.)
H P. Wilcox (L.S.)

Tho. L. O. Quin &
J. Felsom
&
A. P. Wilcox } Agreement 1837.

To be returned

Article of Agreement made and concluded this twenty ninth day of July 1837 between Heman B. Potter of the City of Buffalo of the first part, and John Snow, a Seneca Chief of the Buffalo Creek Reservation in the County of Erie, State of New York of the second part.

Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the preemption title of and in the four several tracts of land, reserved by the Seneca tribe of Indians within the said State of New York, are desirous to induce the abovementioned tribe of Indians to accept for their future and permanent residence a tract of country in the Territory west of the river Mississippi appropriated for Indians inhabiting the Atlantic and other neighbouring States, and are also desirous by fair purchase to extinguish the right of the said Indians in and to the lands in this State so reserved by them.

And Whereas in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorised negociations to be opened with the Chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money as a permanent fund for the nation and a compensation for their improvements and have also deemed it adviseable and necessary to employ the aid, cooperation & services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them.

And Whereas the said Heman B. Potter, the party of the first part is empowered to act on behalf of the said proprietors and to contract with any individuals whose cooperation and agency may be necessary and efficient in accomplishing the abovementioned object, and the said John Snow the party of the second part has agreed to contribute his influence and services in the premises, and in case of the extinguishment of the said Indian title to the said reserved lands as aforesaid to sell to the said proprietors all and singular his improvements of in and to the same.

Now therefore it is mutually agreed by and between the parties hereto as follows—

First — The party of the second part undertakes and agrees to use his best exertions and endeavours to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the Government of the United States in respect to their removal and future location, and on such terms as the party of the first part and his associates in the name of the said proprietors shall propose, to sell and release by treaty their said reserved lands, and on all occasions to cooperate with and aid the said party of the first part and his associates as he may be from time to time advised, in talks and negotiations with the Chiefs and other influential men of the said tribe, and in the active application of his whole influence at councils and confidential interviews for the purpose of effecting a treaty between the said tribe and the said proprietors for the extinguishment of the Indians title to the said reserved lands.

Second. The said party of the second part hath sold and hereby doth sell to the said proprietors all and singular his buildings and improvements on the lands so to be released by treaty, and agrees to accept compensation therefor in the manner hereinafter mentioned, said buildings and improvements in the meantime not to be leased or in any manner disposed of by the said party of the second part.

Third. In consideration of such efforts, cooperation and services on the part of the said John Snow faithfully bestowed in the premises, and of the sale and release of all and singular his said buildings and improvements upon any of the lands aforesaid without leasing or otherwise disposing of the same as herein above stipulated, the said Heman B. Potter on his part and that of his associates agrees to pay or cause to be paid to the said John Snow the sum of two thousand dollars within three months after notice of the ratification by the Senate of the United States of a valid treaty between the said tribe and the owners of the said preemption title or their Trustees, by which the right and title of the said Indians shall be effectually released and extinguished in and to the said reserved lands.

Subject however to the following qualification and understanding that in case the said treaty shall provide for the payment to individual Indians for their buildings and improvements then and in that case the said party of the second part shall accept and receive as part payment of the abovementioned sum of two thousand dollars such sum or compensation as he shall or may be entitled to by and under the provision of such treaty for his said buildings and improvements, and the balance of the said two thousand dollars which shall remain after deducting therefrom such compensation as aforesaid and that only to be paid by the said party of the first part as above specified within the time abovementioned or as soon thereafter as the said balance can be ascertained, and in case said party of the second part shall be entitled by and under the provision of said treaty to the sum of two thousand dollars and upwards he shall receive the same as may be therein provided and the said party of the first part shall be discharged from paying any part of said two thousand dollars.

And the said John Snow shall also be entitled at a nominal rent to a lease from the owners of the preemption title or their Trustees of and for the lot of land actually improved and occupied by him called the Whipple farm near the old Council house on the Buffalo Reservation, for and during his own natural life, determinable when and as soon as he shall cease to live on and occupy the same, said lease to be executed by the lessors as soon after said treaty as said lands shall have been surveyed and allotted, said lease having reference to said survey.

This agreement on the part of said party of the first part being expressly dependant upon a treaty to be made and ratified upon terms, conditions and stipulations to be proposed and offered by the said party of the first part and his associates.

H. B. Potter L.S.

Witness
his
George + Jimeson
mark

his
John + Snow L.S.
mark

Copy

Articles of agreement made & concluded this seventh day of August 1837 between Heman B Potter of the city of Buffalo of the first part and Joseph Snow - - - a Seneca Indian of the Cattaraugus Reservation in the County of Erie of the second part -

Whereas in conformity with the declared policy of the Government of the United States the proprietors of the preemptive title of and in the four several tracts of land reserved by the Seneca tribe of Indians within the said State of New York are desirous to induce the above mentioned tribe of Indians to accept for their future & permanent residence a tract of country in the territory west of the River Mississippi appropriated for Indians inhabiting the Atlantic & other neighboring states and are also desirous by fair purchase to extinguish the right of the said Indians in and to the lands in this State so reserved by them.

And whereas in furtherance of these objects and in order to a future treaty by which to effect the same the said proprietors have authorized negotiations to be opened with the Chiefs & other leading men of the said tribe of Indians & certain offers to be made to them in money as a permanent fund for the nation & a compensation for their improvements - & have also deemed it advisable and necessary to employ the aid, cooperation & services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them -

And whereas the said Heman B Potter the party of the first part is empowered to act on behalf of the said proprietors & to contract with any individuals whose cooperation and agency may be necessary & efficient in accomplishing the above mentioned object - and the said Joseph Snow the party of the second part has agreed to contribute his influence & services in the premises -

Now therefore it is mutually agreed by and between the parties hereto as follows

First The party of the second part undertakes & agrees to use his best exertions & endeavours to dispose & induce the said Indians to adopt & pursue the advice & recommendations of the Government of the United States in respect to their removal & future location - And on such fair terms as the party of the first part and his associates in the name of the said proprietors shall propose - to sell & release by treaty their

Articles of agreement made & concluded this seventh day
of August 1837 between Heman B Potter of the city of Buffalo
of the first part and Joseph Snow - - - a Seneca Indian of the

Contract between
H. B. Potter
&
John Snow

7.29.1837

said reserved lands and on all occasions to cooperate with & aid the said party of the first part & his associates as he may be from time to time advised in talks & negotiations with the Chiefs & other influential men of the said tribe & in the active application of his whole influence at councils & confidential interviews for the purpose of effecting a treaty between the said tribe & the said proprietors for the extinguishment of the Indian title to the said reserved lands —

Second — In consideration of such efforts cooperation and services on the part of the said Joseph Snow faithfully bestowed in the premises the said Heman B Potter on his part and that of his associates agrees to pay or cause to be paid to the said Joseph Snow the sum of one thousand dollars within three months after notice of the ratification by the Senate of the United States of a valid treaty between the said tribe & the owners of the said preemption title or their trustees by which the right & title of the said Indians shall be effectually released & extinguished in & to the said reserved lands —

And the said Joseph Snow shall also be entitled at a nominal rent to a lease from the owners of the preemption title or their trustees of and for the lot or piece of land being about fifty acres where he now lives and actually improved & occupied by him on the Cattaraugus Reservation for & during his own natural life or for the term of ten years at his election determinable in either case whenever he shall cease to live on and occupy the same said lease to be executed by the lessors as soon after said treaty as said lands shall have been surveyed & allotted said lease having reference to said survey for description

This agreement on the part of said party of the first part being expressly dependant upon a treaty to be made and ratified upon terms conditions and stipulations to be propos and offered by the said party of the first part & his associates

Signed

H. B Potter

Joseph his X mark Snow

Witness

Saml. Gordon

Jos Snow is stated to have never signed the treaty & he has heard that his name is on the treaty, but by whom put he knows not

To His Excellency W. L. Marcy Governor of New York

Father — In obedience to the terms of the "Act relating to the purchase of Lands from the First Christian and Orchard Parties of Oneida Indians, passed Feby 11th 1829" we forwarded to the City of Albany the Number of our Nation residing at this place, which according to a census taken by our direction, amounted to 433 persons, being an increase of more than 30 since our last Years returns. Not knowing the number who reside at Oneida, and of course not being able to ascertain the exact amount due us we forward a Draft on Isaac Denniston Esqr. for the same sum which we drew last Year, with a request that he would inform us what was the balance due over and above the amount thus drawn for, so that we could forward another draft for the same.

Father — We have received no information from Mr Denniston on the subject, but have learned from a letter of the Cashier of Albany City Bank that a considerable amount was deducted by order of Mr. D. from the Dft. we forwarded, and the remainder has been sent us as the whole amount due us, without any explanation, only, "that Mr D told the Cashier he made this deduction, because some of our people have moved back to Oneida" If this were indeed true, Mr D would have no right to pay any portion of our annuity there; The annuities, according to Act of 1829 and according to Solemn Treaty stipulations, are to be paid to the Chiefs, and head men of the Nation for the persons belonging at each place respectively. But there is no truth in the assertion that "some of our people have moved back to Oneida" a few have gone there on a visit, but their property and effects are all here, here is their home, and here they will return and receive their proportions of the annuity which has been forwarded this season whenever they desire to do so.

~~[illegible]~~. Not one cent of the money thus withheld from us has been paid to these persons at Oneida; it has been drawn from the Treasury, but has never been able since to escape from the pockets of the Agent.

Father — This certainly gives the conduct of Mr. D. in this affair a bad impression, and it operates very hard upon us. Thirty three persons belonging to the First Christian party at this place are entirely deprived of their annuity by this movement — Several of the Orchard party are deprived of their rights in the same way, a portion of their List (amounting to $74.40) having been withheld, and all others, belonging to both parties, are made to receive less than their honest due. We never expected to receive from the State of New York nor from any of her Authorized Agents such injustice as this;

Father — It ~~is~~ is painful to our feelings to be compelled in this way to address to you the language of complaint; But we know that you have the power and authority to make straight paths for all your Agents to walk in. We feel confident, from the interest you have always manifested for us, that Mr Denniston could not have acted by your direction or by direction of the Comptroller in thus depriving us of our rights, and we have no doubt that the moment information of his conduct reaches your ears you will give him such advice and instruction, as will cause him to walk straight and do his duty more faithfully.

Father — We would not utter one word of complaint without cause. We have done all that belonged to us to do according to the Act of the Legislature before mentioned, by forwarding our number and our List and we respectfully request you to examine the said Act, and direct the Agent, agreeably to it, to forward the balance which is now remaining in his hands with as little delay as possible; our people are poor and greatly in need of it. As the sum is only a few hundred dollars it may appear very trifling to such a man as Mr Denniston, but it is, never the less, a matter of some importance to those who, by his conduct are kept out of it, and to whom on due examination, you will find it in truth and honesty belongs.

Done at our Council Fire at Duck Creek this 24th Day of July 1837

Cornelius His X mark Stevens
Neddy X Achsquett
Henry X Powlas
Adam X Swamp
Jacob X Cornelius
Thomas X Louwick
Thomas X King
Honyost X Smith
John X Cornelius
Moses X Cornelius
Isaac X Johnston
Peter His X mark Skenando

Witness
Solomon Davis
John M McCamon

Cornelius His X mark Whalock
Anthony X Ninham
George X Hill
Lewis John
John His X mark Denny
Daniel Bread

To His Excellency W. L. Marcy
Governor of New York
Albany

Letter from the
Oneida Indian,

Articles of agreement made and concluded th
seventh day of August 1837 between Heman
Potter of the City of Buffalo of the first part an
George Bennett a Seneca Indian of the ~~Buffalo Creek~~ Cattaraugus Reservation
in the County of Erie of the second part

Whereas in conformity with the declared policy of the Government of the United States the proprietors of the preemptive title of and in the four several tracts of land reserved by the Seneca tribe of Indians within the said state of New York are desirous to induce the above mentioned tribe of Indians to accept for their future and permanent residence a tract of country in the Territory west of the River Mississippi appropriated for Indians inhabiting the Atlantic and other neighbouring states and are also desirous by fair purchase to extinguish the right of the said Indians in and to the lands in this state so reserved by them.

And whereas in furtherance of these objects and in order to a future treaty by which to effect the same the said proprietors have authorised negotiations to be opened with the Chiefs and other leading men of the said tribe of Indians and certain offers to be made to them in money as a permanent fund for the nation and a compensation for their improvements – and have also deemed it advisable and necessary to employ the aid cooperation and services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them.

And whereas the said Heman B. Potter the party of the first part is empowered to act on behalf of the said proprietors and to contract with any individuals whose cooperation and agency may be necessary and efficient in accomplishing the above mentioned object – and the said George Bennett the party of the second part has agreed to contribute his influence and services in the premises – ~~and in case of the extinguishment~~

~~of the said Indian title to the said reserved lands aforesaid to sell to the said proprietors all and singular his improvements of in and to the same~~.

Now therefore it is mutually agreed by and between the parties hereto as follows.

First The party of the second part undertakes and agrees to use his best exertions and endeavours to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the Government of the United States in respect to their removal and future location – and on such fair terms as the party of the first part and his associates in the name of the said proprietors shall propose – to sell and release by treaty their said reserved lands and on all occasions to cooperate with and aid the said party of the first part and his associates as he may be from time to time advised in talks and negotiations with the Chiefs and other influential men of the said tribe and in the active application of his whole influence at councils and confidential interviews for the purpose of effecting a treaty between the said tribe and the said proprietors for the extinguishment of the Indian title to the said reserved lands.

~~Second The said party of the second part hath sold and hereby doth sell to the said proprietors all and singular his buildings and improvements on the lands so to be released by treaty and agrees to accept compensation therefor in the manner herein after mentioned – said buildings and improvements in the mean time not to be leased or in any manner disposed of by said party of the second part~~

Second In consideration of such efforts, cooperation and services on the part of the said George Bennett faithfully bestowed in the premises the said Heman B. Potter on his part and that of his associates agrees to pay or cause to be paid to the said George Bennett or to his heirs the sum of ~~two~~ Five thousand dollars

in three months after notice of the ratifica
by the Senate of the United States of a valid trea
between the said tribe and the owners of the sai
preemptive title or their Trustees by which the right
and title of the said Indians shall be effectually
released and extinguished in and to the said
reserved lands

~~And the said George Bennett shall also be entitled at a nominal rent to a lease from the owners of the preemptive title or their Trustees of and for the lot or piece of land being about sixty Eighty acres where he now lives and actually improved by him on the Cattaraugus Reservation for and during his own natural life determinable whenever he shall cease to live on and occupy the same said lease to be executed by the depos as soon after said treaty as said lands shall have been surveyed and allotted said lease having reference to said survey for description~~

This agreement on the part of said party of the first part being expressly dependant upon a treaty to be made and ratified upon terms conditions and stipulations to be proposed and offered by the said party of the first part and his associates

Witness

Saml Gordon

H. B. Potter

George his X mark Bennett

Articles of agreement made and concluded this seventh day of August 1837 between Heman B. Potter of the city of Buffalo of the first part and Samuel Gordon a Seneca Indian of the Cattaraugus ~~Buffalo Creek~~ Reservation in the County of Erie of the second part.

Whereas in conformity with the declared policy of the Government of the United States the proprietors of the preemptive title of and in the four several tracts of land reserved by the Seneca tribe of Indians within the said state of New York are desirous to induce the above mentioned tribe of Indians to accept for their future and permament residence a tract of country in the Territory west of the River Mississippi appropriated for Indians inhabiting the Atlantic and other neighbouring states and are also desirous by fair purchase to extinguish the right of the said Indians in and to the lands in this state so reserved by them ——————

And whereas in furtherance of these objects and in order to a future treaty by which to effect the same the said propeietors have authorised negotiations to be opened with the Chiefs and other leading men of the said tribe of Indians and certain offers to be made to them in money as a permanent fund for the nation and a compensation for their improvements - and have also deemed it advisable and necessary to employ the aid cooperation and services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them.

And whereas the said Heman B. Potter the party of the first part is empowered to act on behalf of the said proprietors and to contract with any individuals whose cooperation and agency may be necessary and efficient in accomplishing the above mentioned object and the said Samuel Gordon the party of the second part has agreed to contribute his influence and services in the premises. ~~and in case of the extinguishment of the said Indian title to the said reserved lands as aforesaid, to sell to the said proprietors all and singular his improvements of in and to the same~~.

Now therefore it is mutually agreed by and between the parties hereto as follows.

First - The party of the second part undertakes and agrees to use his best exertions and endeavours to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the Government of the United States in respect to their removal and future location - and on such fair terms as the party of the first part and his associates in the name of the said proprietors shall propose to sell and release by treaty their said reserved lands and on all occasions to cooperate with and aid the said party of the first part and his associates as he may be from time to time advised in talks and negotiations with the Chiefs and other influential men of the said tribe and in the active applications of his whole influence at councils and confidential interviews for the purpose of effecting a treaty between the said tribe and the said proprietors for the extinguishment of the Indian title to the said reserved lands -

~~"The said party of the second part hath sold and hereby doth sell to the said proprietors all and singular his buildings and improvements on the lands so to be released by treaty and agrees to accept compensation therefor in the manner herein after mentioned, said buildings and improvements in the mean time not to be leased or in any manner disposed of by said party of the second part.~~

Second In consideration of such efforts cooperation and services on the part of the said Samuel Gordon faithfully bestowed in the premises the said Heman B. Potter on his part and that of his associates agrees to pay or cause to be paid to the said Samuel Gordon the sum of ~~two~~ Five thousand ~~and fifty~~ dollars within three months after notice of the ratification by the Senate of the United States of a valid treaty between the said tribe and the owners of the said preemptive title or their Trustees by which the right and title of the said Indians shall be effectually released and extinguished in and to the said removed lands.

And the said Samuel Gordon shall also be entitled at a nominal rent to a lease from the owners of the preemptive title or their Trustees of and for the lot or piece of land being about one hundred acres where he now lives and actually improved and occupied by him on the Cattaraugus Reservation for and during his own natural life or a lease therefor for the term of ten years at his election determinable in either case when ever he shall cease to live on and occupy the same, said lease to be executed by the lessor as soon after said treaty as said lands shall have been surveyed and allotted, said lease having reference to said survey for description.

This agreement on the part of said party of said party of the first part being expressly dependant upon a treaty to be made and ratified upon terms conditions and stipulations to be proposed and offered by the said party of the first part and his associates.

Witness
O. Allen Jr.

H. B. Potter
Samuel Gordon

In addition to the ~~the~~ above & on same conditions, it is agreed that in case a valuation of the improvements of the Indians shall be made under the treaty, with a view to the payment and satisfaction of the same from the fund of $102.000 mentioned in said treaty, and in case Samuel Gordon's proportion of that fund shall not be sufficient to pay the apprised amount of his said improvements, then and in such case the undersigned for himself and his associates will pay to said Gordon & his heirs the difference in amount (if any) between such apprised value thereof and the amount he shall have received as his proportion of said fund —
Buffalo Sept. 21st 1838 —

H. B. Potter

+ Copy of a Petition received from Allegany

To The Senate & House of Representatives of
The United States.

The undersigned Indians of the Seneca tribe living on our reservation bordering on the Allegany River Cattaraugus County, would respectfully represent to your honourable body; that there is now an effort making by a man of the name of Shermerhorn called an Indian Commissioner - his man now in Buffalo & have prevailed on some of Chiefs & Warriors to consent to sell out & move west, & we understand has got some few as Delegates now on their way West, to see their new intended Country &c.

And we now humbly come before you as the only place we know of, in the shape of a petition to guard our rights, that we don't want to sell out and leave our old homesteads where we have so long live in peace & harmony with our White Brethern as well as among ourselves, for the western wilds - for a great many reasons. &c

That a great many of our hunters have turned into farmers long ago, & we have now nearly land enough cleared to raise our bread, and in a few years with industry and attention, and can know for certain that we can stay, we will have lands cleared abundantly sufficient to supply all our wants.- Our Reservations are large enough, we are contented, we ask for no more but we don't want any taken away from us, and now would ask your humble body to let us stay where we are, to guard us from × × × × × × And to lay this before the Chief of the Indian Department and it shall and will be our ardent desire to cherish friendship among our white neighbours and among ourselves and our Country.

See minutes Vol 2 p 33

8-17-1837 And your petitioners will ever pray.

Dated at Cold Spring Council House this
17th day of August A.D. 1837.

Chiefs.

their
Governor × Blacksnake
James × Robinson
James × Halftown
Joseph × Blacksnake
Ely × Pierce
[illegible] × Jones
Charly × Obail
× Hill Buck
marks

their
David × Snow
Isaac × Halftown
Long × Johns
Jacob × Jimeson
James × Shongo
Robert × Watts
Moses × Pierce
Big × Johns
marks.

Chiefs of the Senecas living on the Allegany River. All signed but one, & one absent.

[illegible] × [illegible]
George × Killbuck
mark

Robert × Watts
Moses × Pierce
Big × Johns
marks

Attest
Benjamin Williams

Chiefs of the Senecas living on the Allegany River. All signed but one, & one absent.

Warriors

their
Robert × Pierce
Jacob × Shongo
Captain × Isaac
Eli × Jimeson
Owen × Blacksnake
Isaac × Jimeson
John × Jacobs
George × Jacobs
John × Samson
Amos × Thompson
William × Red Eye
Capt John × Logan
John R. × Jimeson
Big × Snow
Jonathan × Fitey
John × Halftown
Thomas × Halftown
Holada × Jackson
[illegible] × [illegible]
George × [illegible]
David × Halftown
Old × Sunfish
James × Sunfish
James × Cherry
Jackson × Cherry
John × Bigkettle
Old × Logan
[illegible] × [illegible]
[illegible] × [illegible]
Thomas × Jacobs
[illegible] × Jacob
John × Jimeson Jr
Samuel × Patterson
[illegible] × [illegible]
[illegible] × [illegible]

their
Robert × Corry
William × Logan
George × Logan
Old Billy × Boy
Jacob × [illegible]
John × Beaver
Squire × Jimeson
John × Lewis
Joshua × Lewis
George × Fitey
Old × Thompson
Joseph × George
Tanda × Jimeson
Eli × Shongo
Stephen × Smith
Jesse × Sleeper
Peter × Jimeson
James × Pierce
[illegible] × [illegible]
Jesse × Killbuck
William × Jimeson
Aaron × Bone
Jacob × John
Simeon × John
Joseph × Harris
Little × Phillips
Abel × Corry
Doctor × Jimeson
Robert × Gordon
George × Robbinson
Jacob × Robbinson
James × Long Johns
John × Halftown
Samuel × Jones
John × Watts
marks

[illegible] comprises all the Warriors of the [illegible] Council held this day at [illegible]
17th 1827
Benjamin Williams

[illegible] in Indian Town
23d August 18[illegible]
[illegible] signed Chiefs & Warriors of
[illegible] with

Thomas × [illegible]
James × [illegible]
John × Jimeson Jr.
Samuel × Patterson.
Old Billy × Purdy.
Billy × Purdy.
Abey × Redeye
John × Cheek
mark

Robert × Gordon
George × Robbins
Jacob × Robinson
James × Long Johns.
John × Halftown.
Samuel × Jones.
John × Watts.
mark

The above comprise all the Warriors of the Senecas present at our Council held this day at Cold Spring August 17th 1837

Benjamin Williams

At a general Council held in Indian Town Cattaraugus Reservation 22nd August 1837.

We the undersigned, Chiefs & Warriors of the Cattaraugus Reservation, fully unite with the above request, & humbly hope such sale may [illegible] take place

Chiefs Names

their
Young × Chief
[illegible] × Silverheels
Jack × Snow
Isaac × Davis
Walter × Thompson
John × Dennis
mark

their
John × Cook
George × Dennis
Thomas × Runner
John × Dickey
James × Turkey
George × Deer
Levi × Halftown
mark

Warriors Names

their
John × Turkey
Joshua × [illegible]
George × Turkey
James × Jack
[illegible] × Silverheels
Thomas × Halftown
Taylor × Halftown
[illegible] × Jimeson
[illegible] × L. Williams
[illegible] × Shanks
John × Johnson
[illegible]
[illegible]
[illegible]

their
Gardner × York
John × Thompson
John × Halfwhite
William × Green
Charles × Silverheels
Ced gar × Gar har dagha
John × Youngsnake
Moses × Big Deer
Bill × Green
James × Crow
William × Snow
John × Jacob
Henry × Silverheels
Joseph × Silverheels
Captain × Jackson
Solomon × Obail
Big × John
Bill × White
Joseph × Pierce
Captain × Thompson
Peter × [illegible]
Walter × Pierce
Andrew × John
Elijah × Snow

Jack × Snow
Isaac × Davis
Walter × Thompson
John × Dennis
mark

Thomas × Remmer
John × Dickey
James × Turkey
George × Deer
Levi × Halftown
marks

Warriors Names

their
John × [illegible]
Isaac × [illegible]
George × Turkey
James × John
Captain × Silverheels
Morris × Halftown
Taylor × Halftown
Nicholas × Jimeson
Solomon × L. Williams
Bill × Shanks
Jonathan × Johnson
Jacob × Johnson
John × Seneca
Charles × Jimeson
Henry × Jacob
William × Jackson
John × Pope
Jack × Docktor
John × Jones
John × Fitch
Big × Chief
John × Mohawk
Henry × Johnson
Thomas × Shongo
David × Isaac
Bill × Jacob
[illegible] × [illegible]

their
Gardner × Cook
John × Thompson
John × Halfwhite
William × Green
Charles × Silverheels
Cedgar × Garhardagha
John × Youngsnake
Moses × Big Deer
Bill × Green
James × Crow
William × Snow
John × Jacob
Henry × Silverheels
Joseph × Silverheels
Captain × Jackson
Solomon × O'bail
Big × John
Pette × White
Joseph × Pierce
Captain × Thompson
Peter × Docktor
Watson × Pierce
Andrew × John
Elijah × Snow
George × Green
Isaac × Mohawk
John × Lewis
Johnson × Halftown
[illegible] × Halfwhite
George × White
G. R. Smith × Thompson
Adam × Read
James × Jacob
Jesse C. × Jimeson
Young × Crow
marks

Sachem × Warrior
John × King
Z. L. × Jimeson
Samuel × Warrior
marks

Petition of
The Chiefs & Warriors
on the
Alleghany
August 1837
against Making
a Treaty

It is agreed between Herman B. Potter of Buffalo of the first part and Levi Half Town a Seneca Chief of the Cattaraugus Reservation of the second part, as follows:-

That if the Seneca Indians shall accept of the offers of the Government of the United States and remove to the west and shall sell out their Reservations to the preemptive owners, upon negotiations now pending, and if the said Levi Half Town shall faithfully render his aid, services and influence in favor of a treaty for the purpose aforesaid,- and if such treaty shall be made and ratified by the Senate of the United States by which the right and title of said Indians shall be effectually released- then and in that case, the said Herman B. Potter stipulates and agrees for himself and his associates that the sum of five hundred dollars shall be paid to said Levi Half Town in three months after notice of such ratification, and that he shall be entitled to a lease from the said preemptive owners or their Trustees, for and during his natural life, of the lot or piece of land where he now lives on the said Cattaraugus reservation being about sixty acres, to terminate whenever he shall cease to live on and occupy the same - said lease to be executed as soon as said lands shall have been surveyed into lots, so that said piece of land may or can be described according to the survey- Witness our hands & seals this 19 Augt. 1837-

H. B. Potter

Witness

O. Allen

Levi Halftown his X mark

[illegible]
Sir [illegible]
[illegible]
issue [illegible]
[illegible]
Haldimand [illegible]
having been [illegible]
The [illegible]
Gracious Majesty [illegible]
Kingdom of Great B[illegible]
[illegible] — [illegible]
the [illegible] of the [illegible]
Haldimand [illegible]
23 [illegible] lying [illegible] County of
District of [illegible] Containing [illegible] one
hundred Acres of land more or less and being part of
the Territory of the Six Nations Indians and which said
parcel or tract of land is butted and bounded as follows
that is to say Commencing at a stake planted on the
[illegible]
one [illegible] on the South side of the road leading from
Village of Indiana to Cayuga, Thence North eighty degrees
East [illegible] Chains and forty links to a stake, Thence South
thirteen degrees West Twenty five Chains to a stake, Thence
South eighty degrees West [illegible] Chains and forty links to a
stake, Thence North thirteen degrees East Twenty five
Chains to the place of beginning — To the end and
purpose that Her Majesty may be graciously pleased to
enable [illegible] to [illegible] with the said Ansen Holmes
his heirs and assigns, free and clear of the payment of
any further sum of money which his Excellency the
Lieutenant Governor may [illegible] otherwise think [illegible]
notwithstanding the said [illegible] hundred Acres of land
[illegible] the said [illegible] Holmes [illegible]
and [illegible] for [illegible] of the [illegible]
[illegible] the Six Nations Indians [illegible]
the [illegible] in the years 1837 and 1838.

Know all men [illegible] undersigned Sachems principal [illegible] Chiefs and Warriors of the Six Nation Indians residing at the Grand River in the Province of Upper Canada, being desirous of enabling the issue of Free letters patent of the tract of land and premises hereinafter described unto Aaron Holmes of the County of Haldimand District of Niagara and the said premises not having been included in any former surrender to the Crown Do by these presents surrender and yield up unto Her Most Gracious Majesty Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the faith — All that parcel or tract of land now in the possession of the said Aaron Holmes of the County of Haldimand District and Province aforesaid.

piece situate lying and being in the County of Haldimand District of Niagara Containing by admeasurement One hundred Acres of land more or less and being part of the Territories of the Six Nation Indians and which said parcel or tract of land is butted and bounded as follows that is to say Commencing at a stake planted on the East boundary line of a piece of land belonging to the Grand River Navigation Company at Lot number one and on the South side of the Road leading from the village of Indiana to Canboro Thence North eighty degrees East Forty Chains and forty links to a stake, Thence South thirteen degrees West Twenty five Chains to a stake, Thence South eighty degrees West Forty Chains and forty links to a stake. Thence North thirteen degrees East Twenty five Chains to the place of beginning — To the end intent and purpose that Her Majesty may be graciously pleased and enabled to grant letters patent unto the said Aaron Holmes his heirs and assigns, Free and clear of the payment of any price or sum of money which his Excellency the Lieutenant Governor might otherwise think just and reasonable, The said One hundred Acres of land being thus freely granted unto the said Aaron Holmes his heirs and assigns for and in consideration of the said Aaron Holmes attendance on the Six Nation Indians when afflicted with the Small pox in the Years 1837 and 1838.

Jas Holmes

[illegible]
day of July
Lord One thousand eight [illegible]

Signed, Sealed, and delivered }
in the presence of }
A Bennett
Saml. R. Weynett

Moses Walker his X mark
William Doxtater
Thomas Johnson
Joseph Fraser his X mark
Skanawaty his X mark
Onnkaronndouh his X mark
Aghoir-hon his X mark
Kanoriedehon [illegible]
[illegible] his X mark
[illegible] his X mark
[illegible]nage his X mark
Asare Kowah his X mark
Kamakarodo his X mark
Kanedaket his X mark
Kanayion his X mark
Kanonkeodawy his X mark
Ketsikwenh his X mark
Isaac Burning his X mark
Kanyenkodon his X mark
Deyothoreghkwenh his X mark
Shoreese his X mark
Silver Smith his X mark
Highflier his X mark
John Skyler his X mark
John Whitecoat his X mark
John Obe his X mark
William Green his X mark

Surrender from the Six Nations of Indians to Aaron Helmer for 100 Acres of land in Seneca
1840

---

Deed of [illegible]
of 100. Lands in the
Township of Seneca
near Indiana
Gore District
by the Six
Nations in Council
to Aaron Helmer
& his heirs [illegible]

Read and [illegible]
in Council
18 Oct 1[illegible]
[illegible]
for publ[illegible]

Surrender from the Six
Nations of Indians to
Aaron Kilmer
for 100 Acres of land in
Canada
1840

---

Se...
of 100. Lands in
Township of Seneca
near Indiana
Gore District
by the Six
Nations in Council
to Aaron Kilmer
& his heirs
Read and
in Council
18 Oct 18
and
to

Know [illegible] [illegible] that We the undersigned principal [illegible] [illegible] and Warriors of the Six nations Indians residing at the [illegible] [illegible] [illegible] of confirming our former Grant of the South half of lot number fifty one in the second Concession of Brantford to Rachel Parker the wife of James Parker and the said South half lot not having yet been included in any former surrender by us to the Crown do by these presents and in order [illegible] give [illegible] [illegible] full and complete effect to the said Grant Surrender and Yield up the said South half lot number fifty one in the said [illegible] Concession of Brantford containing by admeasurement One hundred acres more or less unto her most gracious [illegible] Victoria of the united Kingdom of Great Britain and Ireland Queen to the end and intent that her majesty may be graciously pleased to grant letters patent of the said South half lot thereby giving and granting the same unto and for the sole use and benefit of her the said Rachel Parker her heirs and assigns for ever free from all incumbrances excepting the usual reservations contained in Grants from the Crown In Witness whereof we the said principal Sachems Chiefs and Warriors of the said Six nations Indians in Council assembled have hereunto subscribed and set our names and Seals the twenty sixth day of August in the year of our lord one thousand eight hundred and thirty seven.

In the presence of

[illegible] Burwell

J. Martin

William Alves

Henry Brant

[illegible] [illegible] his X mark

[illegible] [illegible] his X mark

O[illegible]

Lawrence [illegible] his X mark

John [illegible]

Isaac Lock his X mark

[illegible] his X mark

[illegible] his X mark

Oneida Joseph his X mark

Peter Green

[illegible] his X mark

Peter [illegible] his X mark

[illegible] his X mark

[illegible] his X mark

[illegible] Joseph his X mark

William Alves

194

No. 194

[illegible]

[illegible]

ecuted Signed and
Sealed in my presence
Beaufort 16 Sept
1837
Jos Bennett
J. I. C.

455

EGISTRATION
RENDERED
EGISTER

22 PM '73

his
Kanorisabon, x [L.S.]
mark.
his
Deyonhoisen, x [L.S.]
mark.
his
Ayatajiwak, x [L.S.]
mark.
his
Kakondenaye, x [L.S.]
mark.
his
Ashare-kowah, x [L.S.]
mark.
his
Kanyakarodon, x [L.S.]
mark.
his
Kanedakeh, x [L.S.]
mark.
his
Kanayeh, x [L.S.]
mark.
his
Kanonkeridawy, x [L.S.]
mark.
his
Oketskwenh, x [L.S.]
mark.
his
Isaac Burning, x [L.S.]
mark.
his
Kanyenkodon, x [L.S.]
mark.
his
Deyothoreghkwenh, x [L.S.]
mark.
his
Shoerese, [L.S.]
mark.
his
Silver Smith, x [L.S.]
mark.
his
Highflier, x [L.S.]
mark.
his
John Skyler, x [L.S.]
mark.
his
John Whitecoat, x [L.S.]
mark.
his
John Obe, x [L.S.]
mark.
his
William Green, x [L.S.]
mark.

---

## No. 194.

Know all Men by these Presents, that we, the undersigned principal Sachems, Chiefs and Warriors of the Six Nations Indians, residing at the Grand River, being desirous of confirming our former grant of the south half of lot number fifty-one, in the second concession of Brantford, to Rachel Parker, the wife of James Parker, and the said south half lot not having yet been included in any former surrender by us to the Crown, do by these presents, and in order to give a more full and complete effect to the said grant, surrender and yield up the said south half of the said lot number fifty-one, in the said second concession of Brantford, containing by admeasurement one hundred acres, more or less, unto Her Most Gracious Majesty Victoria, of the United Kingdom of Great Britain and Ireland, Queen, to the end and intent that Her Majesty may be graciously pleased to grant letters patent of the said south half lot, thereby giving and granting the same unto and for the sole use and benefit of her, the said Rachel Parker, her heirs and assigns for ever, free from all encumbrances, excepting the usual reservations contained in grants from the Crown.

In Witness Whereof, we, the said principal Sachems, Chiefs and Warriors of the said Six Nations Indians, in council assembled, have hereunto subscribed and set our names and seals the twenty-ninth day of August, in the year of Our Lord one thousand eight hundred and thirty-seven.

In the presence of:
Lewis Burwell,
J. Martin,
William Alvis.

Henry Brant, [L.S.]
Aaron Fraser, his x mark. [L.S.]
Jacob Johnson, his x mark. [L.S.]
Onwangete, [L.S.]
Lawrence Davids, his x mark. [L.S.]
Johns Johnson, [L.S.]
Isaac Lock, his x mark. [L.S.]
Skanawatigh, his x mark. [L.S.]
Aghrivhon, his x mark. [L.S.]
Onida Joseph, his x mark. [L.S.]
Peter Green, [L.S.]
Kanyenkotonh, his x mark. [L.S.]
Peter Fishcarrier, his x mark. [L.S.]
Samuel Veneeroy, his x mark. [L.S.]
Tayekawekhe, his x mark. [L.S.]
Aghkwaga Joseph, his x mark. [L.S.]
William Alvis. [L.S.]

It is agreed between Herman B. Potter of the City of Buffalo of the first part and Jacob Jemison a Seneca Chief of the Allegany Reservation of the second part, as follows -

That in case the Seneca tribe of Indians shall accept the offer of the Government of the United States for their removal to the west of the Mississippi River and shall sell their lands in this state to the preemptive owners upon negotiations now pending and in case the said Jacob Jemison ——— shall faithfully cooperate with and aid the said Herman B. Potter and his associates as he may be advised from time to time, by his services and influence, at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands. which he engages to do & to sign said treaty and if such treaty shall be made and shall be thereupon ratified by the Senate of the United States - Then the said Herman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his associates to pay or cause to be paid to the said Jacob Jemison ——— the sum of ~~four hundred~~ two thousand dollars in three months after notice of such ratification and a lease of fifty acres where he now lives on the Allegany ~~and after that the said~~ ~~violation~~ reservation in the usual form of other leases ~~shall be entitled to a lease from the said~~ for a term not exceeding ten years - ~~preemptive owners or their heirs~~ Witness our hands & seals this first day of September 1837 -

Witness

H. B. Potter

Samuel Gordon
Ho P Wilcox

Jacob his + mark Jemison

It is agreed between Heman B. Potter of the City of Buffalo of the first part and George Big Deer a Seneca Chief of the Cattaraugus Reservation of the second part as follows,

That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the west of the Miſsiſsippi River and shall sell their lands in this state, to the preemptive owners upon negotiations now pending - and in case the said George Big Deer shall faithfully cooperate with and aid the said Heman B. Potter and his aſsociates as he may be advised from time to time by his services and influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands which the said George Big Deer hereby agrees to do - and if such treaty shall be made and shall be thereupon ratified by the Senate of the United States then the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his aſsociates to pay or cause to be paid to the said George Big Deer the sum of one thousand dollars in three months after notice of such ratification and also that the said George Big Deer shall be entitled to a lease from the said preemptive owners or their trustees of about fifty acres of land where he now lives on said Cattaraugus Reservation for the term of ten years from and after the ratification of said treaty determinable however, whenever he shall cease to live on and occupy the same - to be executed whenever said lands shall have been surveyed into lots Witneſs our hands & seals. Sept 16. 1837

In presence of
Samuel Gordon

H. B. Potter

his
Geo. Big X Deer
mark

Additional or Supplementary Articles to the Agreement made between the undersigned parties dated the Twenty third Day of February and twenty second June last.

First – It is hereby mutually agreed between the said parties that the expense fund to be provided according to the third article of said agreement shall be increased by the sum of Five thousand ~~[illegible]~~ five hundred Dollars, so as to make in the whole seven thousand five hundred Dollars — such additional sum to be raised within sixty Days from the date hereof.

Second – It is hereby further mutually agreed that the fund of Fifty thousand Dollars specified in the concluding part of the fourth article of the said agreement shall be increased by the sum of Fifty thousand Dollars, subject to the like reduction in the event of a partial release of the Indian title as is therein mentioned in respect to the first mentioned sum of fifty thousand Dollars, it being mutually understood and agreed that such further sum is to be applied for the purpose of securing the Co-operation of other individuals in effecting the object of said agreement, and, as to so much of it as shall be so applied that the ~~[illegible]~~ amount thereof, and the necessity of the expenditure shall be certified under the hands of the parties of the second part

3d – Further agreed, that the third clause of the first article shall

Additional or Supplementary Articles to the Agreement made between the undersigned parties dated the Twenty third Day of February and twenty second June last.

First - It is hereby mutually agreed between the said parties that the expense fund to be provided according to the third article of said agreement shall be increased by the sum of Two thousand ~~[illegible]~~ five hundred Dollars, so as to make in the whole seven thousand five hundred Dollars — such additional sum to be raised within sixty Days from the date hereof.

Second - It is hereby further mutually agreed that the fund of Fifty thousand Dollars specified in the concluding part of the fourth article of the said agreement shall be increased by the sum of Fifty thousand Dollars, subject to the like reduction in the event of a partial release of the Indian title as is therein mentioned in respect to the first mentioned sum of fifty thousand Dollars, it being mutually understood and agreed that such further sum is to be applied for the purpose of securing the Co-operation of other individuals in effecting the object of said agreement, and, as to so much of it as shall be so applied that the amount ~~[illegible]~~ thereof, and the necessity of the expenditure shall be certified under the hands of the parties of the second part

3d Further agreed, that the third clause of the first article shall is covenanted that the parties of the second part shall be authorized to stipulate with individual Indians for leasing to them their respective farms during their own lives and the lives of their children so long as they shall actually reside on and occupy the same but to revert to the parties of the first part whenever they shall cease to do so, or shall let out or permit any other person or persons to occupy or cultivate the same, provided that the whole quantity of Land to be included in such stipulation shall not exceed five hundred acres.

Dated the 22d Day of September 1837.

Witness our hands and seals
as to T. L. Ogden, Joseph Fellows,
James Stryker & Orlando Allen
in the presence of Wm Young Jr.

T. L. Ogden

Joseph Fellows

H. B. Potter

James Stryker

H P Willcox

Orlando Allen

H. B. Potter,
James Stryker,
Orlando Allen &
H. P. Wilcox
To
Thos. L. Ogden &
Joseph Fellows

Copy of Indemnity Bond
Exd.

True Copy

10-2-1837

To the President of the United States:

We the undersigned Sachems Chiefs and chief Warriors of the Six Nations assembled in Council at the Council House on Buffalo creek Reservation in the State of New York: present the following communication for the purpose of saying to our Father the President. That J. F. Schermerhorn United States Commissioner having been appointed to remove the New York Indians to the west.

In July last he passed through all settlements of the Six Nations and took with him some of our men of his own selection for the purpose of forming an exploring party [illegible] his own delegation and not others. [illegible] consider this an unlawful and [illegible] exercise of authority which [illegible] the very fundamental principles of Laws and Treaties. We cannot recognise persons so selected as regular appointed delegates.

10-2-1837

Copied in minutes Vol 3 p 8

We will now explain you our minds on the subject;

We have not any desire of again exploring the western country: the repetition can confer on us no benefit inasmuch as we have still the same determination to remain upon the premises which we now hold in the State of New York.

Father, We have concluded a "Treaty of Peace" more than forty years ago, which we still adhere to for our guide. In that Treaty we have mutually stipulated that all our national transactions should be performed in open council.

This stipulation was agreed to by the parties mutually. In that Treaty all secret meetings to transact national busine are forbidden.

Father. In that Treaty we agreed that no compulsion should be used by either of the parties. But now J. F. Schermerhorn has already used as it were force in taking our men to the west clandestinely.

Furthermore, We believe that

Our people have made rapid advances
already and are still progressing in
wealth and industry.

The moral condition of our people has
been visibly improving beyond our
expectation for the last forty years;
True we have also immoral and
unprincipled men amongst us;
But this is common with all nat
There is therefore no sufficient reason
for the whole nation to be removed
on their account.

Father. One more. We have heard
your "Liberal offers" in connection
with your instructions to your [illegible]
read to us by Judge [illegible]
We have understood them [illegible]
But with all the light [illegible]
upon the subject we can [illegible]
sufficient reasons for [illegible]
We believe that our [illegible]
here are better than the Western
Territory can offer us:

We know that from the sincerity of
their hearts our people do not wish
to accept and it would be heart
rending for us and our people to
be indeced to do so contrary to
our views and feelings.

Father. We have been repeatedly assured
by all the Presidents and even by
your predecessor, that the right of
choice should be left interly free.
That we may go or stay as we choose
We believe our new Father will
follow the steps of the wise and
good Presidents, who have gone
before: We suppose that the peop
have elected a good and philanthrop
man for their chief-magistrate:
We therefore hope sincerely, that
you will suffer no improper means
to be used for seducing our people
to acquiesce in the proposition
made by our Agent

Father. Permit us now in closing
this letter to commend your health
and soundness of spirit to the

communications have been despat
to you purporting to be the voice of the
Six nations. But which in reality
have not been acted upon in our
councils.

Father. We sincerely hope that all such
(if any there may be) may not be
considered or treated as the sentiments
of the Six nations.

We (have) will now acquainted you
our views respecting the remov[illegible]
our people west of the Mississippi
We have resolved to adhere [illegible]
present locations to remain [illegible]
our bones by the side of our
fathers.

We believe we can [illegible]
and be at peace [illegible]
We have disposed [illegible]
and again until our [illegible]
so that they are now [illegible]
-cient for our children
We are now surrounded on [illegible]
by the White people.

We love them and suffer no inconvenience from them, But on the contrary. We derive from them great and permanent assistance

They are Kind and generous hearted people. They treat us Kindly:

We believe that we have fulfilled our obligations to each other and and to the Treaty of Peace and Friendship which we made: We have been born and educated in the same land. We have grown up together in brotherly love; We have acquired Knowledge of the arts of civilization and of agriculture in a great measure from them: We have now many amongst us who have built large barns and who have good wagons and other useful implements of agriculture: We have also built School and Council Houses and convenient churches: We have several Saw-Mills and a grain mill amongst us.

care of, the Great Spirit of Heaven.

Done in General Council of the Six Nations, on Buffalo Creek Reservation, this 2nd day of October 1837

In presence of
Jonathan Hoyt. ( Judge of the County of
Moses Bristol. M.D. of the City of
Elisha Baker
Charles Meatyard } Friends. (Hamburg
Elisha D. Baker
Asher Wright. (Reverend, Mission

Chiefs
Big Kettle
Seneca White
Govr. Blacksnake
James [illegible]
Jemmy Johnson
Black Chief
Blue Sky
Tunis Halftown
Charles O'Beal

Chiefs
Jacob [illegible]
[illegible]
William [illegible]
[illegible]
[illegible]
Danl. Twoguns

Young Chief
Jack Snow
John Seneca
Sky Pierce
James Shongo
George Kilbuck
Jack Berry
Maris B. Pierce
Joe Snow
Oliver Silverheels
Walter Thompson
Isaac Davis
Geo. Dennis
George Silverheels
Thomas Runner
Jacob Johnson
Blacksmith
John Sky
Jesse Spring
James Williams
John Luke
Big Fire
George Washington
Samuel Wilson
George Lindsey
John Fall Chief

Mack Charles
John General
John Bark
George Rendiseguadi
Geo White
David White
William Cass
William Jones
John Luke of B
Moses Dostator
John Possum
Danl Sky
Geo Moses

Onondaga Chiefs.

Capt Handaga
" Cold
" Frost
" Honnes
Onandaga Peter
Button George

Oneida Chiefs

Peter Summer
Jacob Anthony
Elijah Williams
Moses Schuyler
Augustus Cornelius
Peter Williams

Cayuga Chiefs,

Joseph Isaacs
Jack Wheelbarrow

(Copy)

To the President of the United States:

We the undersigned Sachems, Chiefs and Chief-warriors of the Six Nations assembled in council at the Council House on Buffalo Creek Reservation in the State of New York; Present the following communication for the purpose of saying to our Father the President, That J.F. Schermerhorn U.S. Commissioner having been appointed to remove the N.Y. Indians to the West. In July last he passed through all the settlements of the Six Nations and took with him some of our men of his own selection for the purpose of forming an exploring party to the West.

This was his own delegation and not ours. We consider this an unlawful and improper exercise of authority, which strikes at the very fundamental principles of our laws and treaties, We cannot, therefore, recognize persons so selected as regular appointed delegates.

Father. We will now explain you our minds on the subject.

We have not any desire of again exploring the western country; the expedition can confer on us no benefit inasmuch as we have still the same determination to remain upon the premises which we now hold in the State of New York.

Father. We have concluded a "Treaty of Peace" more than forty years ago, which we still adhere to for our guide.

In that Treaty We have mutually stipulated that all our national transactions should be performed in open Council. This stipulation was agreed to by the parties Mutually -

In that Treaty all secret meetings to transact national business are forbidden.

Father in that Treaty we agreed that no compulsion should be used by either of the parties - But now J. F. Schermerhorn has already used it as it were free in taking our men to the West clandestinely, Furthermore, We believe that communications have been dispatched to you purporting to be the voice of the Six Nations, But which in reality have not been acted upon in our councils -

Father, We sincerely hope that all such (if any there may be) may not be considered or treated as the sentiments of the Six Nations -

We will now acquaint you with our views respecting the removal of our people west of the Mississippi. We have resolved to adhere to our present locations to remain and lay our bones by the side of our forefathers.

We believe we can continue at home and be at peace with our neighbours -

We have disposed of our lands again and again until our seats are reduced so that they are now but just sufficient for our Children to live on.

We are now surrounded on every side by the White people. We love them & suffer no inconvenience from them, But on the contrary, we derive from them great and permanent assistance -

They are kind and generous hearted people.

they treat us kindly; we believe that we have fulfilled our obligations to each other & to the Treaty of Peace & Friendship which we made; We have been born and educated in the same land. We have grown up together in brotherly love. We have acquired knowledge of the arts of civilization & of agriculture in a great measure from them; We have now many amongst us who have built large barns & who have good waggons and other useful implements of agriculture; We have also built school and Council houses and convenient churches; We have several Saw-Mills & a grain mill amongst us. Our people have made rapid advances already & are still progressing in wealth and industry — — —

The moral condition of our people has been visibly improving beyond our expectation for the last forty years; True, we have also immoral and unprincipled men amongst us; But this is common with all nations; There is therefore no insufficient reason for the whole nation to be removed on their account —

Father. Once more, We have heard your "Liberal offers" in connection with your instructions to your Agent read to us by Judge Stryker —

We have understood them well. But with all the light thus thrown upon the subject, we cannot see sufficient reasons for accepting them.

We believe that our comforts here are better than the western territory can offer us; We know that from the sincerity of their hearts our people do not wish to accept and it would be heart rending for us and our people to be induced to do so contrary to our views and feelings.

*Father*. We have been repeatedly assured by all the Presidents and even by your predecessor that the right of choice should be kept entirely free; that we may go or stay as we choose.

We believe our new Father will follow the steps of the wise and good Presidents who have gone before; We suppose that the people have elected a good and philanthropic man for their chief Magistrate; We, therefore, hope sincerely that you will suffer no improper means to be used for inducing our people to acquiesce in the proposition made by our Agent.

*Father*. Permit us now in closing this letter to commend your health and soundness of spirit to the care of the great Spirit of Heaven.—

Done in general council of the Six Nations, on Buffalo creek Reservation, this 2nd day of October A.D. 1837.

In presence of
Jonathan Hoyt
Moses Bristol
Elisha Baker
Charles Meatyard
Elisha D Baker
Asher Wright,
William Jones
Interpreter.

(A Copy.)

Big Kettle
Seneca White
Gov. Blacksnake
James Robinson
Jimmy Johnson
Black Chief
Blue Sky
Tunis Halftown
Charles Cornplanter
Jacob Blacksnake
Henry Two guns
William Crouse
M B Pierce
Alin Silverheels
Joe Snow
Walter Thompson
Isaac Davis
George Jimmes
George Silverheels
Thomas Runner
Jacob Johnson
Black Smith.

John Kelly
Isaac Spring
James Williams
John Luke
Big Fire
Geo Washington
Samuel Wilson
George Linday
John Tall Chief
Mark Charles
John General
John Bark
George Canjockady
Skendugnadih } alias
George White
David White
William Cass
William Jones

Danl Twoguns
Doxtator
Jacob Bennett
John Seneca
Sky Carrier
Ike Hemlock
Young Chief
Jack Snow
Sky Pierce
James Shongo
George Kilbuck
Jack Berry
John Luke of Buff.
Moses Doxtator
John Possum
Danl Sky
George Moses

Chiefs of the Onondagas.

Capt Hendaga
Capt Cold
Capt Frost
Capt Honnes
Onondaga Peter
George Bottum.

RY, SAN MARINO, CALIF.

Chiefs of the Oneidas

Peter Summer
Jacob Anthony
Elijah Williams
Moses Schuyler alias Aonongise.
Augustus Cornelius
Peter Williams

Chiefs of the Cayugas

Joseph Isaacs
Jack Wheelbarrow.

(70 chiefs)

[illegible]

Amount $133.48

& Cr.

Payments &c.

Oct. 14. 1837 Note —— 5.00

BUFFALO, NEW YORK

U.S. Indian Agency
Green Bay, Octr 7 1837

Sir,

As the Delegation of the Oneidas living here, are about to visit the Governor of the State of New York in relation to the annuities due from the State to their tribe. They have requested permission also to extend their visit to Washington - and have been formally empowered by their people to pray that the treaty, as agreed upon last year, by them and Mr. Schermerhorn, may be acceded to by the President and Senate of the United States.

Being the Agent of these people and feeling deeply interested in their welfare, will it is hoped, excuse my action in this matter, as well as a departure from the instructions received heretofore in this Office, in relation to Indians visiting the seat of Government, without first having received the Sanction of the President. -

With my respect,
I have the Honor to be
Sir
Your mo. Obdt. St.
George Boyd.
U.S. S. Agt. Ind. Affairs.

To
The Honble C. A. Harris
Commr. of Indian Affairs
War Dept. Washington.

O. I. A. Green Bay. B 359.
Col. George Boyd.
Green Bay Oct. 7. 1837.

States that the Deln of the Oneidas, about to visit the Gov. of New York, on business, has requested permission to extend their visit to Washn, & have been formally empowered by their people to pray that the Treaty of last year may be ratified. —

Hopes his departure from the regulations, in relation to Inds visiting Washn will be excused. —

Recd 14 Dec. 1837.

File.

It is agreed between Heman B. Potter of the City of Buffalo of the first part and Baptist Powles an Oneida Chief of the second part —

That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the West of the Miſsiſsippi River and shall sell their land in this state to the preemptive owners upon negotiations now pending — and in case the said Baptist Powles —— shall faithfully cooperate with and aid the said Heman B. Potter and his aſsociates as he may be advised from time to time by his services and influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands — which the said Baptist Powles —— hereby agrees to do — and if such treaty shall be made and shall be thereupon ratified by the Senate of the United States — then the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his aſsociates to pay or cause to be paid to the said Baptist Powles —— —— the sum of five hundred —— dollars in three months after notice of such ratification — ~~also that the said~~ ~~shall be entitled to [illegible] from~~ ~~the said preemptive owners or their [illegible]~~

Witneſs our hands & seals this 25. day Decr. 1837

In presence of

O. Allen

H. B. Potter

Baptist his X Powles
mark

It is agreed between Heman B. Potter of the city of Buffalo of the first part, and Baptist Powles an Oneida Chief of the second part

That in case the Seneca tribe of Indians shall accede to the offer of the Government of the United States, for their removal to the West of the Mississippi River, and shall sell their lands in this State to the preemption owners upon the proposition now pending, and in case the said Baptist Powles shall faithfully cooperate with and aid the said Heman B. Potter and his associates as he may be advised from time to time, by his using his influence at Councils and at other confidential relations, and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and relinquishment of the Indian title, of in and to the said reserved lands, which the said Baptist Powles hereby agrees to do, and if such treaty shall be made, and shall be thereafter ratified by the Senate of the United States, then the said Heman B. Potter who is authorized to act in the premises for said proprietors, hereby stipulates and agrees for himself and his associates, to pay or cause to be paid to the said Baptist Powles the sum of five hundred Dollars in three months after Notice of such ratification

Witness our hands & seals this 25th day Dec 1837

In presence of

H. B. Potter

his
Baptiste + Powles
mark

It is agreed between Heman B. Potter of the City of Buffalo of the first part and Jonathan Jourdon an Oneida Chief of the second part —

That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the west of the Mississippi River and shall sell their lands in this state to the preemptive owners upon negotiations now pending — and in case the said Jonathan Jourdon shall faithfully cooperate with and aid the said Heman B. Potter and his associates as he may be advised from time to time by his services and influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands — which the said Jonathan Jourdon hereby agrees to do — And if such treaty shall be made and shall be thereupon ratified by the Senate of the United States — Then the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his associates to pay or cause to be paid to the said Jonathan Jourdon the sum of five hundred dollars in ~~three~~ months after notice of such ratification — ~~[illegible] also that the said~~ ~~shall be entitled to [illegible] from the said preemptive owners or their trustee~~.

Witness our hands & seals this 25. day of Dec. 1837

In presence of

O. Allen

H. B. Potter

Jonathan his X mark Jordon

I hereby authorize & empower J. F. Schermerhorn of Utica N. York to receive

It is agreed between Heman B. Potter of the City of Buffalo of the first part and John Antonia an Oneida Chief of the second part —

That in case the Seneca tribe of Indians shall accept the offer of the Government of the United States for their removal to the West of the Mississippi River, and shall sell their lands in this State to the proprietors [illegible] upon negociations now commenced, and the said John Antonia shall faithfully cooperate with and aid the said Heman B. Potter and his associates as he may be advised from time to time by his services and influence at Councils and confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of, in and to the said reserved lands, which the said John Antonia hereby agrees to do, and if such treaty shall be made, and shall be thereupon ratified by the Senate of the United States, then the said Heman B. Potter who is authorized to act in the premises for the proprietors, hereby stipulates and agrees for himself and his associates to pay or cause to be paid to the said John Antonia the sum of five hundred Dollars in three Months after the notice of such ratification — Witness our hands & seals this 27. day of Dec. 1837.

In presence of
E. Williams

H. B. Potter

John his X mark Antoenia

It is agreed between Heman B. Potter of the City of Buffalo of the first part and Honyost Smith an Oneida Chief of the second part

That in case the Seneca tribe of Indians shall accept the offer of the Government of the United States for their removal to the West of the Mississippi River and shall sell their lands in this State to the preemptive owners upon negotiations now pending - and in case the said Honyost Smith — — shall faithfully cooperate with and aid the said Heman B. Potter and his associates as he may be advised from time to time by his services and influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands, which the said Honyost Smith — — — hereby agrees to do, and if such treaty shall be made and shall be thereupon ratified by the Senate of the United States - Then the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his associates to pay or cause to be paid to the said Honyost Smith — — the sum of five hundred — — — dollars in three months after notice of such ratification ~~And also that the said shall be entitled to a lease from the said preemptive owners or their trustees~~.

Witness our hands & seals this 27 day Dec 1837

In presence of —

E. Williams

H. B. Potter

L.s

Hanyost his X mark Smith

Hougon Smith

It is agreed between Heman B. Potter of the City of Buffalo of the first part and John Antonia an Oneida Chief of the second part

That in case the Seneca tribe of Indians shall accept the offer of the Government of the United States for their removal to the West of the Mississippi River and shall sell their lands in this State to the preemptive owners upon negotiations now pending - and in case the said John Antonia - shall faithfully cooperate with and aid the said Heman B. Potter and his associates as he may be advised from time to time by his services and influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands - which the said John Antonia - - - hereby agrees to do - and if such treaty shall be made and shall be thereupon ratified by the Senate of the United States - Then the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his associates to pay or cause to be paid to the said John Antonia - the sum of five hundred dollars in three months after notice of such ratification - ~~and also that the said~~ ~~shall be entitled~~ ~~to receive from the said preemptive owners or their trustees~~

Witness our hands & seals this 27 day Dec. 1857

In presence of

E. Williams

H. B. Potter

his
John × Antonia
mark

It is agreed between Heman B. Potter of the City of Buffalo of the first part and Honyost Smith an Oneida Chief of the second part —

That in case the Seneca tribe of Indians shall accept the offer of the Government of the United States for their removal to the West of the Miſsiſsippi River and shall sell their lands in this State to the preemptive owners upon negotiations now pending and in case the said Honyost Smith shall faithfully cooperate with and aid the said Heman B. Potter and his aſsociates as he may be advised from time to time by his services and influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands, which the said Honyost Smith hereby agrees to do. And if such treaty shall be made and shall be thereupon ratified by the Senate of the United States, then the said Heman B. Potter who is authorized to act in the premises for said proprietors hereby stipulates and agrees for himself and his aſsociates to pay or cause to be paid to the said Honyost Smith the sum of five hundred dollars in three months after notice of such ratification. ~~and also that the said [illegible] shall be entitled to [illegible] for the said preemptive [illegible] or [illegible]~~ Witneſs our hands and seals this 27. day of Dec. 1837 —

In presence of
E. Williams

H. B. Potter
Honyost his X mark Smith

At a Treaty held under the authority of the United States of America at Buffalo Creek in the County of Erie and State of New York between the Sachems, Chiefs, and Warriors of the Seneca Nation, of Indians duly assembled in Council and representing and acting for the said Nation on the one part, and Thomas Ludlow Ogden of the City of New-York & Joseph Fellows of Geneva in the County of Ontario on the other part, concerning the purchase of the right and claim of the said Nation of Indians in and to the Lands within the State of New-York remaining in their occupation Ransom H. Gillet Esquire the Commissioner appointed by the President of the United States to attend and hold the said Treaty, and also Josiah Trowbridge Esquire the Superintendent appointed for the same purpose on the part of the Commonwealth of Massachusetts, being severally present at the said Treaty, the said Sachems, chiefs, and Warriors on behalf of the said Nation did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden & Joseph Fellows did agree to purchase all the right, title and claim of the said Nation of, in, and to, the several tracts, pieces, or parcels of land mentioned and described in the Instrument of Writing) next hereinafter set forth and at the price or sum of therein specified as the consideration or purchase money for such sale and release; which Instrument being read and explained to the said parties and mutually agreed to was signed & sealed by the said contracting parties, and is in the words following:—

This Indenture made this day of in the year of our Lord one thousand eight hundred and thirty eight, Between The ~~Sachems~~, Headmen Chiefs, & Warriors of the Seneca Nation of Indians duly assembled in Council and acting for and on behalf of the said Nation, of the First part, and Thomas Ludlow Ogden of the City of New York and Joseph Fellows of Geneva in the County of Ontario, of the Second part – Witnesseth, that the ~~Sachems~~, Headmen chiefs, & Warriors of the Seneca Nation of Indians, in consideration of the sum of

to them in hand paid by the said Thomas Ludlow Ogden & Joseph Fellows, the receipt whereof is hereby acknowledged, Have granted, bargained, sold, released, and confirmed, and by these presents DO grant, bargain, sell, release and confirm unto the

(said

#3 * * In the Deed of 1826, the Contents are expressed in Square Miles. — If part of a Reservation only is released I would mention the whole and describe the Exception. —

said Thomas Ludlow Ogden & Joseph Fellows and to their heirs and assigns, all that certain Tract or parcel of Land situate, lying and being in the County of Erie and State of New York commonly called and known by the Name of The Buffalo Creek Reservation, Containing by estimation * Seventy eight Square Miles or 49.920 acres, be the same more or less— Also All that certain other Tract or parcel of Land situate &c.—

Also &c.—

—as the said several Tracts of Land have been heretofore reserved and are held and occupied by the said Nation or Individuals thereof: —Together with all and singular the rights, privileges, hereditaments and appurtenances to each and every of the said Tracts or parcels belonging or appertaining; And all the Estate, right, title, interest, claim and demand of the said parties and of the said Nation of, in, and to the same and every part and parcel thereof. To have and to hold all and singular the above described and released premises unto the said parties of the second part their heirs & assigns to their proper use & behoof forever as Joint Tenants and not as Tenants in Common.—

In Witness whereof the parties to these presents have hereunto interchangeably set their hands and seals the day and year first above written.—

Sealed & delivered in the presence of

At the above mentioned Treaty held in my presence as Commissioner on the part of the United States of America and under their authority and this day concluded, the foregoing Instrument of Writing was agreed to by the contracting parties therein named and was in my presence Executed by them:— In testimony whereof I have hereunto set my hand and Seal at Buffalo Creek this day of in the year

Done in the presence of

At the above mentioned Treaty held in my presence as Superintendent on the part of the Commonwealth of Massachusetts and this day concluded, the foregoing Instrument of Writing was agreed to by the Contracting parties therein named and was in my presence

presence Executed by them, and being approved by me I do hereby certify and declare such my approbation thereof —
Witness my hand and seal at Buffalo Creek this
day of                in the year

Done in the presence of

640
78
5120
4480
49920

Dear Sir                Geneva Dec 26 1837

I intended to leave the form of Seals with you but forgot to do so. You have it above.

I have received your letter of 25th. The report of the Delegates not being made some time must elapse before the subject can be disposed of — When the question of Emigration is settled, and the terms of our purchase come under Consideration I will come out — before that period arrives I cannot conceive in what manner my presence or that of Mr Ogden can be in the least degree necessary —

Yrs

J. Fellows —

H. B. Potter Esq

Single - Paid

12½ PAID

Heman B. Potter Esqr

Buffalo

Dec 27

Joseph Fellows
Dec. 26. 1837

with form of Treaty
Deed of Conveyance

"Buffalo Creek Reservation 10 Mo 1. 1838.

To/
The Committee on Indian Affairs

Esteemed Friends

I received a letter from Maris B. Pierce a Seneca Indian last 4th day, informing that my attendance at the council was desired by the chiefs, I left home that evening and arrived in time to attend council with them on 6th day, The treaty was laid on the table on that day and received 16 signatures, The chiefs opposed to emigration requested the Commissioner not to adjourn the council until they had signed their remonstrance and requested him to remain with them for a witness to that instrument, Their requests he treated with unbecoming contempt and adjourned the council to 7th day at 11. O'clock and retired, their remonstrance was then presented and the signatures of 64 chiefs was subscribed thereto. The chiefs met on 7th day pursuant to adjournment but the commissioner did not attend but sent his interpreter there who informed that there would be no council on that day, but the Commissioner would meet them in Council on 2d day. After the obtaining those signatures on 6th day he informed if others wished to sign the treaty they should have the opportunity of doing so at his lodgings, It is thought that the council will be closed as soon as tomorrow or adjourn to some future time, If it should be finally closed, then will a deputation of the chiefs proceed on to Washington accompanied by an attorney from the City of Buffalo who will probably call on you for advice, The clandestine proceedings connected with this council on the part of those who have endeavoured to force a treaty, affords an apology for their considering it necessary to meet the treaty with a remonstrance before the President, I think to set off for home this evening, In usual health

Your friend

Joseph Batty"

over

about
1898 or 41
perhaps.

To His Excellency Martin Van Buren,
President of the United States.

Father;

The undersigned Chiefs and Sachems of the Six Nations of Indians residing in the State of New York, beg leave to make the following statement;

The Commissioners appointed by the Government to treat with the New York Indians, after opening the general Council of the Six Nations on the Buffalo Creek Reservation, delivered a speech on the policy and offers of the Government to our people for our removal to the West.

We believe that it is the policy of the General Government to remove the Indians West of the river Mississippi; and we also believe that it is the intention of the Government that no force nor any unlawful means should be used in accomplishing their object; and we were sorry when the Commissioner told us in Council that if we do not consent to emigrate to the West, that measures will be taken by the General and State Governments by which we shall be made to remove; but we were glad when he says that the conclusion of a majority of the Chiefs will decide the question. We understand that it is the common law of civilized nations to be guided in decissions of importance, by numbers, that a majority always rule; this has also always been our guide.

And we wish also to inform our Great Father, that there are among our people who are willing, and wish to accept of the offers made to them for their removal, and there is a large majority who do not wish to emigrate, but are desirous to remain where they are, as they are perfectly satisfied with their present location, and think it sufficient for the support and sustenance of their children; they are those whom we represent.

We also wish to inform our Great Father that his Red children have in later years made rapid advances in civilization, morality and religion, as recomended by former Presidents, as the only mode by which we might be happy, and it is heart-rending to think that amidst the improvements that are making among us, that these individual Chiefs should dispose of the rights, and regulate the destinies of the Nation, and that postively against their known will, which will be the case should the pretended Treaty be ratified.

We have now informed our Great Father that there are among our people two parties, the one large and the other small in numbers. We fully believe that our Great Father will have justice done to us, and that no compulsion is to be exercised for the purpose of removing us from our present homes against our will. We are now willing that those who are anxious to emigrate should do so, although we have repeatedly requested and entreated the few of our Chiefs who are desirous to emigrate, to abandon their course as this was not the wish of our respective Nations, they are determined to pursue their own course, to make a Treaty for the removal of all the New York Indians which they have attempted to do, signed by a few interested Chiefs, and efforts were made to persuade, induce and alarm many of the people to accede to them, against the ratification of which we protest.

But we have no disposition to compel any of our people to think as we think, or do as we do; and we hope they may be enabled to have the same feelings: And here is one great and necessary arrangement to be made about our lands, which we hold in common; We are willing that if the emigration party wish to remove, proper and just arrangements should be made to the effect that their equal share of these reserved lands should be given them, in order that both parties should be satisfied; as we have reason to hope that the Government is willing to satisfy the wishes of both - But as the emigration party are not disposed that the proper and just arrangement should be made, but are desirous to dispose of the whole of our reserved lands, and thereby compel a majority of our people to emigrate against their will; therefore we pray that Congress and our Great Father might not sanction any attempt of this kind.

We do not wish to say or do anything unreasonable or unjust, but certainly the course they have taken, is both unreasonable and unjust in the sight of God and man, and we are afraid that those who have taken an active part in the emigration cause are not influenced by pure motives for the interest of their people; for we perceive that many of them were bribed to influence others in favor of selling and removing. Some of the Commissioners have aided in making these private offers and arrangements with influential men of our Nations.

Father, we still have among our people a Council of the Six Nations and pass resolutions which we always consider binding and in one of these Councils held last fall we passed resolutions that those of our people, wishing to emigrate according to the offers made to us by the Government, might be free in doing so, that we shall not interfere with any arrangements so to be made - We also believe that our former Treaties are still binding, and in full force, for nothing on our part, has ever been done to forfeit those Treaties.

A Treaty of Nov 11th 1794, when our remaining lands were secured to us, as the "property of the Seneca Nation and that it shall remain theirs until they choose to sell the same" to those "who have the right to purchace". And also in after Treaties concluded by the authority of the United States, the same rights as to our lands were acknowledged. We admit there is a company who have "the preemption to the soil" of our lands, and they will purchase "*when* we *choose to sell*." And the conveyance of these reserved lands properly belong to a majority of the Chiefs of the Seneca Nation, and a large majority of the Chiefs at this time are opposed to selling. But as we do not wish to debar any of our people from making a Treaty with you for the removal of those who wish to go, and as we are willing that they should dispose of their proper share of the lands we hold in common we are willing that their just proportion of said reserved lands be surveyed and divided from ours, and that our several annuities be also properly divided in proportion to our numbers.

We have also understood the Commissioner to say, that the country west of the Mississippi river is to be exchanged for Green Bay lands where the New York Indians have a right- We also admit that some of the Six Nations have occupied and have paid for their interest in said country; but the Seneca Nation of Indians have no right or title to that country, as we have never accepted, or paid for any interest there nor do at this time have any claim to that country whatever.

Signed in presence of
Seneca Jones
Edward Paine
Elisha Baker
Elisha Freeman.

Tunis Halftown
Charles O Beal
Jacob Blacksnake
William Patterson
Gov. Blacksnake
James Robinson
Israel Jimeson
Jimmy Johnson
Henry Twoguns
William Crouse
George Killbuck
John Kennedy
Moris B Pierce
Walter Thompson
George Dennis
George Silverheels
Isaac Halftown
Oliver Silverheels
Black Smith
Jacob Bennett
Samuel Wilson
Geo. Kenduhquadit

Samuel Parker
Capt. Jones
Big Kettle
Seneca White
John Pierce
Young Chief
Blue Sky
Long John
John Hemlock
Sky Pierce
James Shongo
David Snow
Robert Wall
John Cook
Joseph Snow
Isaac Davis
George Deer by his agt.
John Dennis
Moses Pierce
Black Chief
John Seneca
John Snow

John Bennett
William Cass
Jonny John
George Washington
George Lindsey
Thomas Runner
Tommy Jimmy
Geo Green Blanket
David Halftown
Moses Dextator
John Green Blanket
Mark Charles
John General
Jim Williams
Gen. Jackson
John Buldin
Elijah Wilson
William Mature
Solomon O Bail
Thomas Beaver
George Seneca
William Jacket
Thos B Graybriar
Elijah Cayuga
Black Squirrel
Young Farmer
Samuel Logan
John Hemlock

Tall Peter
Dextator
Big Fire
Louis Poultry
Stiff Knee
David White
Jacob Shongo
John Jacket
Dennis Sky
Sky Carrier
Jack Berry
John Bark
John Sky
Jesse Spring
John Luke
Isaac Thomas
John Mitten
Andrew Snow
Little Joseph
John Luke 2nd
John Jacob
Lewis Seneca
Abram John
John Austin
Peter Snow
Geo. Moses
Major Camp
Billy Jones

Joshua John
Jonah Armstrong
William Elick
Benjamin John
Jack J John
John Kennedy
Squire Blinky
Jas. Green Blanket
Peter Johnson
Thomas Jemison
Young Squirrel
Robert Silverheels
Philip Kuyakety
Abram Twenty Canoes
Samuel Beaver
Thomson Blinky
Henry Mitten

Antony —
— Hemlock
Capt. Cook
Crow John
John Davis
Samuel Parker
Samuel Spit
Capt. Strong
Capt. George
John Wilson
Henry Phillips
Jim Billy
Thomas Jones
Long John
Little George
Antony Hill

## Onondaga Chiefs

Capt: Cold
Brolton George
Onondaga Peter
Samuel George
John Killbuck

## Cayuga Chiefs.

James Young
Joseph $\overset{\text{their}}{\times}$ Isaac
James × Turkie
Jack $\underset{\text{marks.}}{\times}$ Wheelbarrow.

To his Excellency Martin Van Buren
President of the United States.

The petition of the undersigned Indians of the Seneca Nation humbly showeth:

Father: That your petitioners are a delegation from the Seneca Indians, residing at the Buffalo, Tonawanda, Cattaraugus and Alleghany Reservations duly appointed by letters of Attorney (which are herewith submitted) to represent to you, our Great Father the unwillingness of our Nation to part with the small portion of lands which yet remain in our possession, in the State of New York.

Father. Mr. Gillet, the Commissioner of the United States, came to Buffalo last summer, and called a Council at which he laid before the Nation the amendments proposed by the Senate of the United States, to an instrument, called a Treaty which had been signed by some of our Chiefs, a year ago, but to which the Nation then was, and continues to be, very much opposed.

Father: The Chiefs assembled in Council, deliberated upon the proposals made by the Commissioners, and after remaining several weeks in Council, his threats and his persuations induced 16 Chiefs only, to sign the instrument.

Father. The Chiefs who were opposed to the terms of the said instrument, prepared a Remonstrance against it and requested the Commissioner to witness the signing of it, which he refused to do. It was signed however, by upwards of Sixty four Chiefs and, General Dearborn the Commissioner who attended the Council on behalf of the State of Massachusetts, also signed it as a witness.

Father. The Commissioner after he found he could get no more signatures, he covered up the Council fire, saying he should open it again before long, for the purpose of getting more signatures; but he has never since uncovered the Council fire, though he has spent much time at Buffalo

Father. One of the amendments made by the Senate to the former instrument, declares, "That this Treaty shall have no force or effect whatever, as it relates to any of the said tribes, nation, or bands of New York Indians, nor shall it be understood that the Senate has assented to any of the contracts connected with it, until the same with the amendments herein proposed, is submitted and fully and fairly explained by a Commissioner of the United States, to each of said tribe or bands seperatetely assembled in Council, and they have given their free and voluntary assent thereto."

Father. That our people have not given their "free and voluntary assent thereto," we think is apparent from the fact that of all the Chiefs in our Nation, the Commissioner could obtain the signatures of only sixteen in Council, and whatever names he has since procured, have been by unfair means, not being in Council, and therefore contrary to the above resolve of the Senate, as well as the long settled custom of our Nation so that what he has done must be of no effect, especially in face of the fact that it was again and again declared to the Commissioner in Council that the Nation would not consent to the Treaty, or the amendments, but wished to remain where they are. And the Commissioner held the Council from day to day, for weeks together in order to induce our Chiefs to alter their minds, but could not prevail on them to do so.

Father. The Remonstrance of our Nation and the Affidavits in support of the statements it contains, have been stolen from us since we left our homes to come to Washington, which places us before your Excellency in an awkward and painful situation. The accompaning affidavits will explain to you the manner in which we lost our papers, and as General Dearborn took a copy of our Remonstrance, we beg of your Excellency to delay your decision upon the Treaty until we can have time to procure a certified copy of it from him, and also to replace such of the other papers as can be supplied, until we can have the opportunity of being heard respecting the improper and unfair manner in which the Council was conducted and the signatures to the Treaty procured.

Father. We earnestly entreat you to listen to our petition and grant our request and not consign our Nation, now a feeble and defenceless remnant, to the cupidity of men who covet our land, and are using every ingenious artifice to wrest it from us. It is to you, as our great Father, that we look, and implore your protection in the peacable enjoyment of our homes and the graves of our Fathers, secured to us by Treaties heretofore solemnly made and ratified.

# List of Chiefs at Cattaraugus opposed to emigration.

The following is a list of names of the Chiefs who are opposed to emigration at Cattaraugus.

Young x Chief
Oliver x Silverheels
Joseph x Snow
Isaac x Davis
John x Dennis
George x Dennis
John x Cook
George x Deers
James x Turkey
George x Silverheels
Thomas x Runner
Israel x Jimeson

All signed in our presence except James Turkey, whose name was sent in writing.

Asher Bliss
Joseph W Hillman.

True Copy
Thomas Evans.

The following are a list of names of the Chiefs who are opposed to emigration at Cattaraugus

Young x Chief
Oliver x Silverheels
Joseph x Snow
Isaac x Davis
John x Dennis
George x Dennis
John x Cook
George x Deer
James x Turkey
George x Silverheels
Thomas x Runner
Israel x Jimeson

All signed in our presence except James Turkey whose name was put in writing
Asher Bliſs
Josn N Hileman

True Copy
Thomas Evans

[illegible]

opposed to emigration
with their Seminoles

1838? 1mo A 1838

The following are the names of the Warriors residing within the boundaries of the Seneca Nation composing a large majority who are opposed to emigration & must be represented by their Chiefs in council assembled

Jacob x Johnson
Joseph x Silverheels
Henry x Silverheels
Stephen x Silverheels
Abram x John
James Corry
William Blueeyes
Charles Silverheels
Jonathan Johnson
Watson Peirce
Gardiner York
Allen Jimerson
Richard John
Taylor x Halftown
x Preserve x Blue Sky
Joseph x John
Louis x Snow
x Adam x Reed
William x Peter
Harry x York
x Jim x John
Zechariah Jimerson
x George x Jimeson
x Jesse x Jimeson
Thomas x Jimerson
Joshua x Lewis
James x Warriour

Capt x Jackson
John x White
Big x Chief
George x Halfwhite
John x Turkey
Jacob x Jacobs
William x Mohawk
John x Porcupine
John x Blue Sky
John x Dickey
Jimmy x Cornplanter
Davis x Isaac
Elijah x Snow
Jack x Doctor
William x Dennis
George x Green
John x Halftown
John x Peter
James x Jimeson
Smith x Thompson
John x Spruce
John x Kennedy
John x Lewis
Thomas x Halfwhite
Peter White
Jesse x Mohawk
Isaac x Turkey
John x Mohawk

1mo A 1838

Billy × [illegible]
Capt × Thompson
Big × John
Charles × Smoke
+ Asa × Dickey
+ Rufus × Thompson
+ Joseph × Sandford
+ John × King
+ Charles × Hooker
Thomas Shongo
Andrew John
+ William × Davis
William × Snow
George + White

William × Mohawk
Henry × Snow

The following though not present in council were forwarded in writing with their own signatures —

George Turkey
James Everts
William Scott
Isaac Scott
Moses Turkey
Allen Turkey

We the undersigned certify that we were present and witnessed the above signatures with the exception of those marked with an asterisk who employed friends to affix their marks.
Asher Bliss (Missionary)
Joseph N Hillman

John their × Green
George × Halftown
marks
James his × mark Jacob

---

Chauncey their × Lee
John × Halfwhite
Henry × Jacobs
Bill × Jacobs
Bill × Crow
[illegible] × Thompson

Abram their × Jackson
John × Thompson
George × Mohawk
Walter × Frazer
Adam × Bluesky
John × Halftown

[illegible] [illegible] Mohawk
[illegible] key
[illegible] son

Henry x Johnson
Henry x Huff
Young x Jackson
Owen x Jackson
John x Jacob
marks

[illegible] certify that the first above twenty [illegible] made affix their marks to [illegible] in my presence
Joseph N Hillman

List of the
Warriors of the
Seneca Nation
opposed to emigration

It is agreed between Heman B Potter of the city of Buffalo of the first part and Jonathan Jourdon an Oneida Chief of the second part —

That in case the Seneca tribe of Indians shall accept the offer of the Government of the United States for their removal to the west of the Miſsiſsippi River and shall sell their lands in this State to the preemption owners upon negociation now pending, and in case the said Jonathan Jourdon shall faithfully co operate with and aid the said Heman B. Potter and his aſsociates as he may be advised from time to time by his services and influence at councils and confidential interviews, and on all proper occasions, for the purpose of effecting a treaty between the said tribe and the said proprietors for the effective release and extinguishment of the Indian title, of, in, and to the said reserved lands, which the said Jonathan Jourdon hereby agrees to do, and if such treaty shall be made and shall be thereupon ratified by the Senate of the United States, then the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates for himself and his aſsociates to pay or cause to be paid unto the said Jonathan Jourdon the sum of five hundred Dollars in three months after notice of such ratification

In presence of

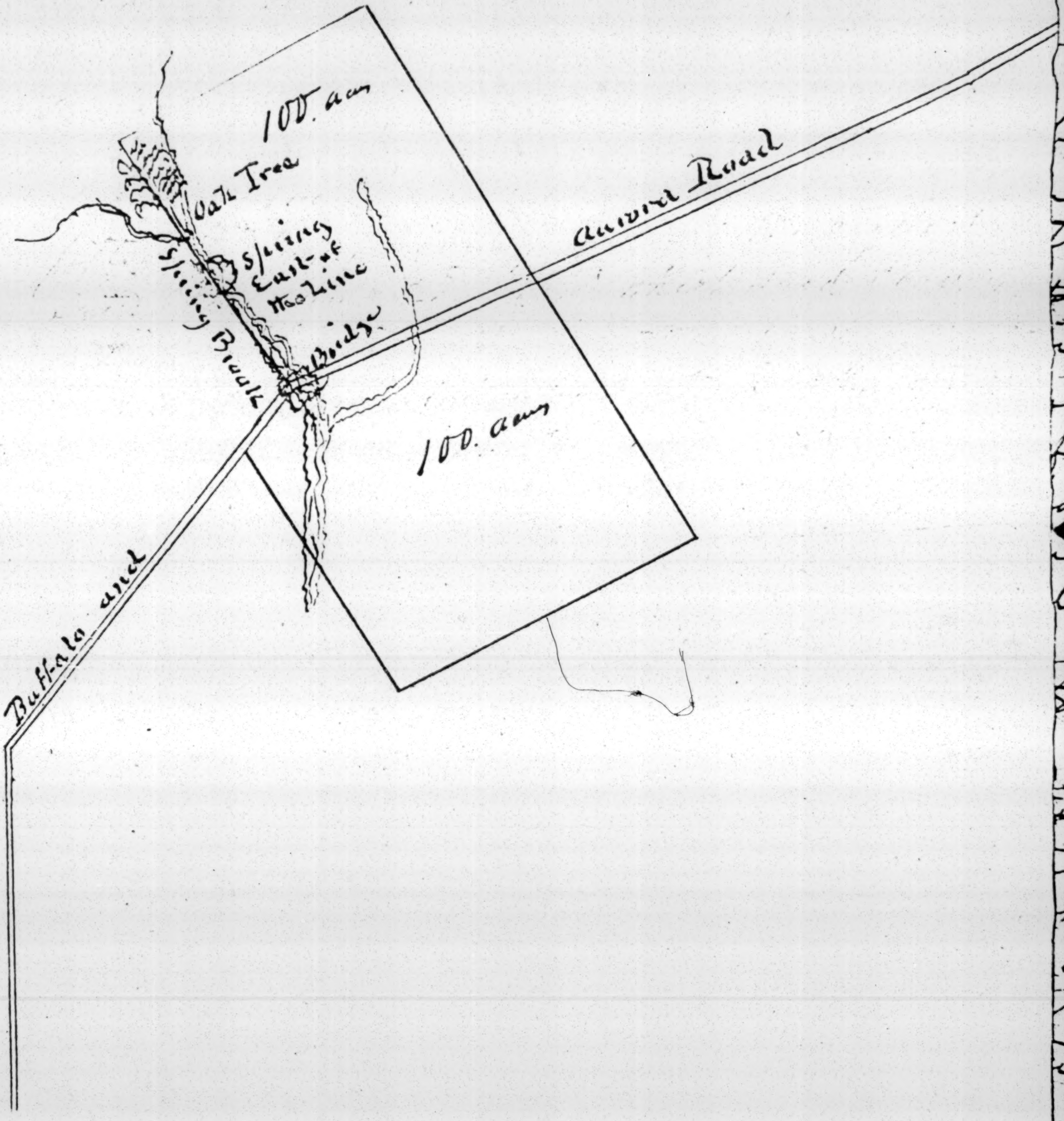
H. B. Potter

his
Jonathan + Jordon
mark

Payments &c.

| | | | |
|---|---|---|---|
| Jany. 1. 1838 | Cap at Stocking | — | 10.00 |
| " 17 " | Cash | —— | 5.00 |

"A"


100. acr
Oak Tree
Spring East of the Line
Spring Brook
Bridge
Aurora Road
Buffalo and
100. acr

of the first part hereby covenant and agr with said party of the second part, that th will ~~and~~ convey or cause or procure to be conveyed to the said party of the second part in fee simple, two hundre acres of land of the Buffalo reservation, situa at Spring brook (so called) on the road from the b of Buffalo to the village of Aurora, to be described in substance as follows one hund acres thereof to be on the northeast side of sa road and bounding thereon to be in a squ

It is hereby covenanted and agreed by & between William W. Jones and Horatio Jones, of Moscow in the County of Livingston of the first part and William Jones a Seneca Chief of the Buffalo Reservation of the second part —

That in case the Seneca tribe of Indians shall accept the offers of the government of the United States for their removal to the west of the Mississippi river and shall ~~accept~~ sell their lands in this State to the preemptive owners upon negotiations now pending, and in case the said party of the second part shall faithfully cooperate with and aid the emigration party of said tribe of Indians, by his voices & influence at Councils & confidential interviews and on all proper occasions for the purpose of effecting a treaty with said government and said proprietors by which the Indian title of in and to said reserved lands shall be effectually released and extinguished — which the said party of the second part hereby covenants and agrees to do and perform — And if such treaty ~~shall~~ and sale shall be made and shall be thereupon ratified by the Senate of the United States — Then and upon the conditions aforesaid the said party of the first part hereby covenant and agree with said party of the second part, that they will ~~[illegible]~~ convey or cause or procure to be conveyed to the said party of the second part in fee simple, two hundred acres of land of the Buffalo reservation, situate at Spring brook (so called) on the road from the City of Buffalo to the village of Aurora, to be described in substance as follows — one hundred acres thereof to be on the northeast side of said road and bounding thereon to be in a square

form as near as may be, the northwest line
thereof to commence on the easterly line of said
road at the center of the crossway bridge over
said Spring brook, thence northeasterly on a line
running near to, but on the west side of the said
Spring so as to strike the west side of a white
oak tree, blazed, standing in the fork of the
brook and the other one hundred acres
to be on the southwest side of said road and
bounding thereon to be as nearly square
in form as may be, by extending the southeast
line of the one hundred acre piece on the
other side of the road as above described, across
said road in a direct line far enough to
make one hundred acres & no more, the
westerly line thereof being laid down far
enough west of the aforesaid bridge to include
said one hundred acres in as square a form
as may be — said lands to be conveyed by the
time which may or shall be fixed or agreed upon
in said treaty for the removal of said Indians
to the west as aforesaid — and also upon the
conditions aforesaid the said party of the first
part shall and will pay or cause to be paid to the
said party of the second part the sum of five hundred
dollars in three months after notice of such
ratification — It being understood by the
said parties that the aforesaid covenants on the
part of the said party of the first part are wholly
dependent on the said treaty being executed
and ratified as aforesaid and upon the perform-
ance by the said party of the second part
of the stipulations herein before contained
on his part to be performed and also

upon the further
party of the condition that the
said treaty second part shall be said
[illegible] as a [illegible]

[illegible]
dependent on the said treaty being
and ratified as aforesaid and upon the perform-
ance by the said party of the second part
of the stipulations herein before contained
on his part to be performed and also
upon the further condition that the said
party of the second part shall himself sign
said treaty as a chief and induce as
many other Seneca chiefs to sign the
same as he can -- It is agreed that
in the description of the premises
herein before agreed to be conveyed,
reference shall be had to the plan or
diagram hereunto annexed marked
A.- In witness whereof we have
hereunto set our hands & seals this first
day of January 1839 -

In presence of
H. B. Potter

W. Jones
Horatio Jones
William his x mark Jones

it is considered that $100.000 was appropriated, by the second clause of the second article of the treaty with them, made on 21 October 1837, for payment of their debts — that the Commissioner has reported these debts at $63.935.97/100, and that the Indians have asked the Department to apply the balance of their $100,000, viz: $36.064.03/100, to extinguish the balance of their debts, under the treaty of 28. February 1836, which request is granted, it would seem to be judicious to terminate the whole matter at once. If these $200 are disallowed, they must either go to increase the balance above mentioned, and as such be distributable to the creditors under the treaty of 1836, or be paid to the Indians, leaving St. Clair's claim for so much to be prosecuted under the 17. Section of the act of 1834 — This would be difficult to explain to the Indians, and the result would be the same.

Very respectfully &c
T. Hartley Crawford

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Below. Hon.
42. J. R. Poinsett,
Secretary of War.

War Department,
Office Indian Affairs,
January 2, 1839

Sir:

I have the honor to transmit herewith, statement, in duplicate, of contracts entered into during the year 1838, for the service of the Indian Department, prepared in conformity with the 5th Section of the act concerning public contracts approved 21st April 1808.

Very respectfully &c
T. Hartley Crawford

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45. Hon.
43. J. R. Poinsett,
Secretary of War.

War Department,
Office Indian Affairs,
January 2, 1839

Sir:

I have the honor to report on the letter of the Governor of Massachusetts to the President of U. S., of 3 inst., referred to this Office, accompanied by a communication from the Executive of said State to Genl. H. A. S. Dearborn.

In the above papers it is stated that the decision of the Seneca Chiefs on the amendments proposed by the Senate of the United States, on the 11th June last, is asked of them individually, and not when assembled in council, and this course is exceptionable, because it is said to be inconsistent with the intent of the Senate, unusual, and perhaps unconstitutional.

I am not aware of any injunction of the constitution that would be violated by pursuing the one course or the other. The treaty as modified by the Senate had been submitted to the Senecas in council with full explanations, and the assent of many of the chiefs obtained, but when the Commissioner returned his proceedings to the Department, on the 29 October last, it did not appear to me that their assent had been obtained to such an extent as was either contemplated by the Senate, or ought to bind the tribe. My views as reported were concurred in by you; for the fuller understanding of which I send so much of that report as relates to the Senecas. The Commissioner, the Hon. R. H. Gillet, was instructed on the 30. October to return to the Indians, and submit the matter anew to them, but as full explanations on the subject had already been made in council, it was not thought necessary again to repeat them. A copy of the instructions accompanies this paper. Subsequently a communication was received from Mr. A. T. Strong, an educated and intelligent young Seneca chief, stating that he had had an interview with General Dearborn, and expressing a wish that the Commissioner might be authorized to convene the Indians in council. In consequence, and with the object of satisfying all parties, Mr Gillet was informed, by letter under date of 12. November last, that it was thought his former instructions would justify his assemblage of the Senecas if deemed necessary, but to remove all doubt full authority was given him should Genl. Dearborn desire it, to hold such council. Of the instructions I send a copy.

The Senate undoubtedly intended, and, in my opinion, propriety would have enjoined if that body had not, a convention of the Senecas in council to deliberate upon the new proposition to be submitted to them, but they did so meet not once but several times. there was nothing additional to be explained or decided on when the negotiation was recommitted. To obviate, however, all difficulty the Commissioner was empowered to hold a new council, if the Agent of Massachusetts ~~expressed~~ desired it - A fair open understanding with the Indians is, I think, indispensable to the validity of a treaty with them - That, it was thought, had been obtained - leaving however the way open, as soon as a wish was expressed to that effect, for any further explanations in council that might be required. It has not been usual to make treaties otherwise, and it ought not to be under ordinary circumstances, but the condition of this negotiation was peculiar — all that the most anxious desire to do justice called for was believed to have been attended to, but to guard against any omission, provision was made for supplying it on the first intimation that it was desired —

Very respectfully &c.
T. Hartley Crawford

---

47. Hon
43. J. R. Poinsett,
Secretary of War.
Sir:

War Department,
Office Indian Affairs,
January 2, 1839.

The account of the Hon John Tipton for expenses incurred and services rendered in removing the Pottawatomies of Indiana, during the last summer and autumn, which was presented to you, and referred to this Office, is to be considered with reference to the peculiar circumstances belonging to the emigration of these Indians.

Ordinarily such services are rendered by the appointed agents of the Government, who are compensated according to established regulations, which fix the measure of their pay and allowance for travel. The removal of the Pottawatomies, at the time and in the manner in which it was effected, was owing to exigent causes, which neither allowed time for application to the War Department, nor should deprive those who performed the duty of such remuneration and return as the Government would have contracted for with agents of their own selection. An attempt had been made by the public agents to remove the Indians, which failed. They were disinclined to go, white men had settled upon their lands, ill blood was produced, which threatened the worst consequences to the country, and the Indian Agent to whom the emigration had been confided at the instance of the whites applied to the Governor of Indiana for military force to repress the outbreak that was apprehended. In consequence the Governor authorized Genl. Tipton to accept the services of 100 volunteers, which he did, and by means of them collected and removed the Pottawatomies, amounting to 859 at the setting out of the party. This was a movement of great importance to the country — which the United States were bound to effect in execution of treaties — and it was humanely, successfully and speedily effected. That which it was incumbent on the Government to do, the claimant has been mainly instrumental in bringing about. If the Department had accomplished the

1-6-1839

Know all men by these presents that: We the undersigned Chiefs and Sachems of the Seneca Nation of Indians residing in the Tonawanta Reservation in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B Pierce and John Kennedy, have made constituted and appointed and by these presents do make constitute and appoint the said Israel Jemison, Seneca White, Maris B. Pierce and John Kennedy our true and lawful Attorneys that they or any of three of them ma for us and in our names, and in our stead appear before the Preside of the United States, the Senate of the United States, and the Judges of the Supreme Court of the United States, and all other Executive Legislati and Judicial officers of the United States for the purpose of opposi the Ratification of the Treaty, now under consideration by the President of the United States and for the purpose of effecting the removal of the present Indian agent in whom we have no confidence, and also to do all things touching or connected with the aforesaid objects as fully and effectually as we ourselves might do, were we personally present - And we also, Authorise and empower any three of our above named Attornies to sign for us and in our names any paper or papers touching the objects above set forth with the same effect as if we ourselves were personally present & signing the same.-

In Witness whereof we have hereunto set our hands and seals this 6th day of January A. D 1839-

Jemmy x Johnson
Black x Chief
Black x Smith
Blue x Sky
Jesse x Spring
John x Sky
John x Lake
James x Washington

1-6-1839

See minutes Vol 3 p 52

John X Bigfire
Jesse X Tiffany
Samuel X Parker
James X Williams
Lewis X Poobry
Jesse X Tiffany

Signed and Sealed
in presence of
George Kinjokety his X mark

Copy of a
Power of Attorney
from the Senecas
residing on the
Tonawanto Reservation

X 1-7- 1839

Know all men by these Presents, that we the undersigne
Chiefs and Sachems of the Seneca Nation of Indians,
residing on the Allegany Reservation, in the State of
New York reposing Special Confidence in the integrity
and ability of Israel Jemison, Seneca White, Maris B
Pierce, and John Kennedy, have made constituted
and appointed, and by these presents do make
constitute and appoint the said Israel Jemison
Seneca White, Maris B Pierce, and John Kenne
our true and lawful Attornies that they or any
of them may for us and in our names and in our st
appear before the President of the United State, the
Senate of the United States and the Judges of the
Supreme Court of the United States, and all other
ecutive, Legislative and Judicial Officers of the
States for the purpose of opposing the ratification of
the Treaty now under consideration by the Senate of
the United States, and for the purpose of effecting
moval of the present Indian Agent in whom we have
no confidence, and also to do all things con
nected with the aforesaid objects as fully and
as we ourselves might do were we personally
And we also authorise and empower any two of the
above named Attornies to sign for us any and all
papers papers touching the objects above set
the same effect as if we ourselves were person
signing the same.

In witness whereof we have hereunto set our hands and
Seals the seventh day of January A D 1839 — his

Moses + Pierce ○ Tlly + Pierce ○ James + Stranger
Charles + Obail ○ Tunis + Halftown ○ mark
Governor + Blacksnake ○ Wm + Patterson ○ William Hall ○
James + Robertson ○ Robert + Watt ○ Witness to the ten
John + Pierce ○ marks signatures on this side

1-7 -1839

Jacob Blacksnake + ☉  George + Kilbuck ☉
David + Snow + ☉  Isaac + Halftown ☉
marks  marks

The four signatures above signed & Sealed
in the presence of John Boardman

Copy of a
Power of Attorney
from the Senecas
Residing on the
Allegany Reservation

1-8-1839

Know all men by these presents that we the undersigned Chiefs and Sachems of the Seneca Nation of Indians residing on the Cattaraugus Reservation in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Peirce & John Kennedy have made constituted and appointed and by these presents do make constitute and appoint the said Israel Jemison, Seneca White, Maris B. Peirce & John Kennedy our true & lawful attornies, that they or any three of them may for us and in our names and in our stead appear before the President of the United States, the Judges of the Supreme Court of the United States, & the Senate of the United States; and other Executive, legislative, and Judicial officers of the United States for the purpose of opposing the ratification of the Treaty now under consideration by the President of the United States; and for the purpose of effecting the removal of the present Indian Chiefs in whom we have no confidence and also to do all touching or connected with the aforesaid objects as [illegible] and effectually as we ourselves might do were we personally present; and We also authorise and empower any three of our above named Attorneys, to sign for us in our names any paper or papers tending [illegible] above set forth with the same effect as if we were personally present signing the same

In Witness whereof we have hereunto [illegible] hands and Seals this 8th day of January

Young Chief + their (Seal)

Isaac Davis + (Seal)

John Dennis X (Seal)

John Cook X (Seal)

George Dennis X (Seal)
mark

[illegible]

George [illegible]

George Deer his + mark (Seal)

1-8-1839

Signed & Sealed }
in presence of }

Asher Bliss witness of the first five }
and of three others also

Copy of
Power of Attorney
from the Senecas
residing on the Cattar
augus Reservation

2.Y.139

X 1-14A-1839

Know all Men by these presents, that We the undersigne Chiefs and Sachems of the Seneca Nation of Indians residing on the Buffalo Creek Reservation in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Pierce and John Kennedy, have made constituted and appoint and by these presents do make constitute and appoint the said Israel Jemeson, Seneca White, Maris B. Pierce and John Kennedy, our true and lawful Attornies that they or three of them, may for us and in our names, and in our Stead appear before the President of the United States, the Senate of the United States, and the judges of the Supreme Court of the United States; and all other Executive Legislative and Judicial Officers of the United States for the purpose of opposing the ratification of the Treaty now [illegible] Consideration by the President of the United States, and the purpose of Effecting the removal of the present [illegible] Agent in whom we have no Confidence; and other things touching or connected with the aforesaid [illegible] fully and effectually as we ourselves [illegible] personally present—

And we also Authorize and empower [illegible] of our above named Attornies to sign [illegible] our names any paper or papers touching [illegible] above set forth with the same effect [illegible] were personally present signing the same.

In Witness whereof we have [illegible] hands and seals this 14th day of [illegible]

Big Kettle his X
Henry Two Guns X
Mark Charles X
William Krouse his marks X
George Kenjokety X marks
David White
Signed & sealed in the presence of Asher Wright Jan. 14th A 1839

[illegible]
[illegible]
John Bark X
John Kennedy marks
John Fall Chief X
William Jones X
John Green Blanket X marks

Jan 15. 1839
These three signatures & seals were affixed to this instrument in my presence this day
Asher Wright

Adam Doxtator X
Jacob Bennet X
John Hudson X

These three signatures and seals were affixed in my presence this day by Jacob Bennet acting as their attorney
Jan 15 1839
Asher Wright

Jack Berry X
Joe Hemlock X
John General X

Jan 15. 1839
This signature & seal were affixed in my presence this day
Asher Wright

George Lindsey

This signature & seal were also affixed to this instrument in my presence this day Jan 15. 1839
Asher Wright

Daniel Two Guns

Copy of
Power of Attorney
from the Senecas
residing on Buffalo
Creek Reservation

2.14.1839

of Representatives of the United States
In Congress Assembled

We the undersigned Warriors of the Seneca Indians and of the Six Nations Residing on the Allegany River reservation in the State of New York would respectfully represent to you that they are opposed to selling out their reservation on the Allegany river and move West there are too many ties that unite them to this their Old Homes to leave it for the West they think they have sold out & moved back far enough to accommodate the White Man; and by the report from our Delegate that went West to see our New intended Country says there are White men living all along where he went and would soon be as bad in the West or worse than it is here now and then we think we would soon be asked to move farther= and where will we go when we come to the end— O Consider how hard it is to leave the grave of our Fathers our old and beloved fields and rivers— We have given all but a little small spot to White men just enough to raise our Corn and lay our Bones— We pray to you to let us keep what little we have— We ask not for more; there is land enough for our White brother without asking to get what little we got— Let them till what they got— there is a great deal even in their own vicinity not cultivated— We want try to hinder them from cultivating their own land nor we want try to harass them by bribery or Ardent Spirits to make them sell out their lands and move West— Let us stay pay us our Annuities as you agreed. not withhold any longer— We will allways pray &c We are willing to let those who want to sell go West— but them that dont want to go let them stay and keep their Lands

1mo B–1838.

King Pierce
Jones Halftown
Abel Pierce
[illegible]
[illegible]
[illegible] Halftown
[illegible]
[illegible]
[illegible]

James Pierce
Peter Crouse
John Crouse
Peter T. Crouse
Robert X Pierce
Robinson Pierce
Joshua Pierce
William Bona
Lewi Halftown Jr
Jesse Jackson
[illegible] Pierce
John X Jacobs
[illegible] Taylor
[illegible]

[illegible] [illegible]ierce
Harrison × Halftown
George × Black
James × Redige
John × Halftown
Jacob Robinson
George × Jacobs
John × Wite
John × Redeye
Jacob Jr × Halftown
John Ray
Abraham × Gordon
William × Dowdy
George × Gordon
[illegible] ×
Sol

[illegible]
[illegible] Pierce
[illegible] × Pierce
Robert × Pierce
Robinson Pierce
Joshua Pierce
William Bora
Levi Halftown Jr
Jesse Jackson
Buck Pierce
John × Jacobs
Jacob × Taylor
John B × Halftown
Elijah × Bones
James × Bucktooth
Amos × Bones
Thomas × Jacobs
[illegible]

Robert × Gordon
[illegible] × Snow
[illegible] × Gordon
[illegible] × Kettle
[illegible] × Bry
George × Bry
Smith × Bry
William × Halftown
Kittle × Philips
Abel × Curry
Georg × Philips
Amos × Redeye
John × Chick
Old × Smine
Joseph × Georges
Mory × Snow
[illegible] × Thompson
[illegible] × Pierce
Old × Thompson
[illegible] × Watts
[illegible] × Watts
[illegible] × Pierce
[illegible] × Pierce
[illegible] × Pierce
[illegible] × Blacksnake
[illegible] × Harris
[illegible]
[illegible] Jr
[illegible]nake

Isaac × Pierce
Johnson × Simson
Harris × Simson
Samuel × Pellerson
John × Pellerson
James × Curry
Jackson × Curry
James × Harris
William × Redeye
Jackson × Redeye
David × Halftown
Holada × Jackson
Jacob × Johns
John × Taylor
James × Jacobs
Samuel × John
Isaac × Simson
James × Black
Jebish × Jones
John × Snyder
Dander × Simeson
William × Dandy
Golerat × John
Henry × John
James × Sunfish
Old × Sunfish
Benjamin Williams
Solomon × Williams
James × Gordon
Old × Bucktooth
Simeon × Bucktooth
Benjamin × Hotham
[illegible] × Shanigray
James × Hotcham
Old × Lewis
[illegible] × Halftown

Benemark + Peirce
Johnathan Jr + Peirce
Owen + Blacksnake
Joseph + Harris
John + Beaver
George + Titus Jr
David + Golden
George + Blacksnake
Guy + Jimeson

Goleman + John
Henry + John
James + Longfish
Old + Longfish
Benjamin Williams
Solomon + Williams
James + Golden
Old + Bucktooth
Simeon + Bucktooth

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Robert + Watts
[illegible]

George + Logan
William + Logan
Abra + Shilverhill
Peter + Jimeson
Joseph + Homes
William + Homs
John + Homs
Freeman + Sampson
Mixson + Thomson
John + Phillips
John Young + Logan
John + Jimson
Samuel + Jones
Eli + Shongo
Jacob + Shongo
James + Watts
Jese + Johns
Allick + Johns
James + John
Big + Isaac
Charles + John
James + John
Jese + Plummer
David + Snow
Johnathan + Titus
Simeon + Bucktooth
+ Kilbuck
Jimeson

Benjamin + Hatchan
John + [illegible]
James + Hatchan

Old + Lewis
Thomas + Halftown
Fourteen Chiefs are here named.—
Governor + Blacksnake
James + Robinson
Lewis + Halftown
Sky + Peirce
Jacob + Blacksnake
John + Peirce
William + Patterson
Charles + Obail
David + Snow
George + Kilbuck
Isaac + Halftown
Roberts + Watts
Moses + Peirce
Captain + Jones
Simeon + Peirce
George Crouse
Benjamin + Peirce
Joseph W Peirce
Isaac + Halftown
George + Kilbuck
John + Fatty
Peter + Halfwhite
Jacob + Fatty
Jacob + Fatty Jr

---

William + Jimeson
George + Gordon
Joseph + Jimeson
John + Cornfield
[illegible]
[illegible]

[illegible] + Logan
James + Jacob
George + Titus
Doctor + Jimeson
David + Shongo
John + Johnson
Eli + Jimeson
Captain + Strong
[illegible] + Brooks
George + Redeye
Titus
Lewis
George + Thomas
William + Jackson
King
Logan
[illegible]

Joseph + [illegible]
William + Hams
John + Hams
Freeman + Sampson
Mixon + Thomson
John + Phillips
John Young + Logan
John + Simeon
Samuel + Jones
Eli + Shongo
Jacob + Shongo
James + Watts
Jesse + Johns
Ullick + Johns
James + John
Big + Isaac
Charles + John
James + John
Jesse + Plummer
David + Lewis
Johnathan + Titus
Simeon + Bucktooth
Tracy + Killbuck
Squire + Jimeson

Names
Governor + Blacksnake
James + Robinson
Tunis + Halftown
Sky + Peirce
Jacob + Blacksnake
John + Peirce
William + Patterson
Charles + Obail
David + Snow
George + Killbuck
Isaac + Halftown
Roberts + Watts
Moses + Peirce
Captain + Jones
Simeon + Peirce
George Crouse
Benjamin + Peirce
Joseph W Peirce
Isaac + Halftown
George + Killbuck
John + Hatty
Peter + Halfwhite
Jacob + Hatty
Jacob + Hatty Jr

William + Jameson
George + Jordan
Joseph + Jimeson
John + Cornfield
Doge + Hatty
John + Hibbard
John + Bigkettle
[illegible] + Killbuck
[illegible] + Shongo
[illegible] + Killbuck
[illegible] Jimeson
[illegible]ham
John + Lewis
[illegible] + Lewis
[illegible] + Jackson
[illegible] + Jimeson
George + Copperhead
[illegible] + Dowdy
[illegible] + Washington
Jacob + Sedah
[illegible] + Bigkettle

[illegible] + Logan
James + Jacob
George + Titus
Doctor + Jimeson
David + Shongo
John + Johnson
Eli + Jimeson
Captain + Strong
Redeye + Brooks
George + Redeye
John + Titus
Joshua + Lewis
George + Thomas
Indian + Jackson
John + King
James + Logan
David + Dowdy
Oald + Bucktooth
John + Logan
Chester + Halftown

[illegible] the names first above signed
[illegible] of John Boardman
[illegible]

Josiah + Harris
James + Harris
Thomas + Halftown

Copy of the
Remonstrance
of the Allegheny
Indians against
the Buffalo
Treaty

It is agreed between Heman B. Potter of the City of Buffalo of the first part and George Lindsey a Seneca Chief of the Buffalo Creek Reservation of the second part, as follows -

that in case the Seneca Tribe of Indians shall accept the offers of the Government of the United States for their removal to the west of the Mississippi River and shall sell their lands in this state to the preemptive owners upon negotiations now pending, and in case the said George Lindsey shall faithfully cooperate with and aid the said Heman B. Potter and his associates as he may be advised from time to time by his services and influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands, which the said George Lindsey hereby agrees to do & to sign said treaty ~~& release~~ - and if such treaty shall be made and shall be thereupon ratified by the Senate of the United States. Then the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his associates to pay or cause to be paid to the said George Lindsey the sum of ~~four~~ five hundred dollars in three months after notice of such ratification and also that the said George Lindsey shall be entitled to a lease from the said preemptive owners or their trustees of about one hundred acres on the Buffalo Reservation where he now lives for the term of ten years from the time of ratification, to terminate whenever he shall cease to live on and occupy the same - to be executed after a survey of the Reservation so that the land can be described. Witness our hands & seals this 13. Jany. 1838 -

In presence of

O. Allen

H. B. Potter

George Lindsey

## Payments

| | |
|---|---|
| Jany. 20. 1838 Cash advanced | $50. |
| Feby 20. – Cash | 1.50 |
| Cash on the 28th Augt. last | 6.00 |
| Cash | 25.00 |
| | $82.50 |

It is understood by and between the parties to this written Contract, that the said Lindley shall receive the sum of two thousand Dollars instead of the sum of five hundred dollars as mentioned in the written contract being an increase of Fifteen hundred Dollars.

It is also understood & agreed that the said Potter shall advance to the said Lindley Two hundred Dollars in Cash & One hundred Dollars in Dry Goods at the time of receiving the assent of said Lindley to the Amendments to the Treaty —

Allowed $132.50

CV

18 38

Six Nations of New York Indians.

Concluded Jany. 15th 1838.
Amended by the Senate June 11th 1838.
Ratified April 4th 1840.

1838

Six Nations of New York Indians.

Concluded Jany. 15th. 1838.
Amended by the Senate June 11th. 1838.
Ratified April 4th. 1840.

[illegible]

# Martin Van Buren,

## President of the United States of America.

To all and singular to whom these presents shall come, Greeting:

Whereas, a treaty was made and concluded at Buffalo, in the State of New York, on the fifteenth day of January, one thousand eight hundred and thirty-eight, by Ransom H. Gillet, a Commissioner on the part of the United States, and the chiefs, headmen and warriors of the several tribes of New York Indians, assembled in Council.

And Whereas, the Senate did, by a resolution of the eleventh of June one thousand eight hundred and thirty-eight, advise and consent to the ratification of said treaty with certain amendments; which treaty as amended, is word for word as follows, to wit:

× G.390. 18

G.429.

18

Treaty with the New York Indians as amended by the Senate & assented to by the Several tribes.

1838.

# Treaty with the New York Indians, as amended by the Senate of the United States, June 11th 1838.

Articles of a treaty made & concluded at Buffalo Creek in the state of New York, the fifteenth day of January in the year of our Lord one thousand eight hundred & thirty eight, by Ransom H. Gillet, a Commissioner on the part of the United states, & the Chiefs, Headmen & Warriors of the several tribes of New York Indians assembled in council witnesseth:

Whereas, the six nations of New York Indians, not long after the close of the war of the Revolution, became convinced from the rapid increase of the white settlements around, that the time was not far distant when their true interest must lead them to seek a new home among their red brethren in the west. And whereas this subject was agitated in a general council of the six nations as early as 1810, & resulted in sending a memorial to the President of the United states, enquiring whether the Government would consent to their leaving their habitations & their removing into the neighbourhood of their western brethren, & if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it; & further, whether the existing treaties would, in such a case remain in full force, & their annuities be paid as heretofore: And whereas, with the approbation of the President of the United States, purchases were made by the New York Indians from the Menominee & Winebago Indians of certain lands at Green Bay in the Territory of Wisconsin, which after much difficulty & contention with those Indians concerning the extent of that purchase, the whole subject was finally settled, by a treaty between the United States & the Menominee Indians, concluded in February, 1831, to which the New York Indians gave their assent on the seventeenth day of October 1832: And whereas, by the provisions of that treaty, five hundred thousand acres of Land are secured to the New York Indians of the Six nations & the St. Regis tribe, as a future home, on condition that they all remove to the same, within three years, or such reasonable time as the President should prescribe: And whereas, the President is satisfied, that various considerations have prevented those still residing in New York from removing to Green Bay, & among other reasons, that many who were in favor of emigration, preferred to remove at once to the Indian Territory, which they were fully persuaded, was the only permanent & peaceable home for all the Indians. And they therefore applied to the President to take their Green Bay lands, & provide them a new home among their brethren in the Indian Territory: And whereas, the President being anxious to promote the peace, prosperity & happiness of his red children, & being determined to carry out the humane policy of the Government in removing the Indians from the East to the west of the Mississippi, within the Indian Territory, by bringing them to see & feel, by his justice & liberality, that it is their true policy & for their interest to do so without delay:

Therefore, taking into consideration

THE NATIONAL ARCHIVES OF THE UNITED STATES

the foregoing premises, the following Articles of a treaty are entered into between the United States of America & the several tribes of the New York Indians, the names of whose chiefs, head-men & warriors are hereto subscribed, & those who may hereafter give their assent to this treaty in writing, within such time as the President shall appoint.

General provisions.

Article 1. The several tribes of New York Indians, the names of whose chiefs, head-men, warriors & representatives are hereunto annexed, in consideration of the premises above recited, & the covenants hereinafter contained, to be performed on the part of the United States, hereby cede & relinquish to the United States all their right title & interest to the lands secured to them at Green Bay by the Menominie treaty of 1831, excepting the following tract, on which a part of the New York Indians now reside: Beginning at the Southwesterly corner of the French Grants at Green Bay, & running thence Southwardly to a point on a line to be run from the little

Cocaclin, parallel to a line of the French Grants & six miles from Fox river; from thence on said parallel line, northwardly six miles; from thence Eastwardly to a point on the North East line of the Indian lands, & being at right angles to the same.

Article 2: In consideration of the above cession & relinquishment, on the part of the tribes of the New York Indians, & in order to manifest the deep interest of the United States in the future peace & prosperity of the New York Indians, the United States agree to set apart the following tract of country, situated directly west of the State of Missouri, as a permanent home for all the New York Indians, now residing in the State of New York, or in Wisconsin, or elsewhere in the United States, who have no permanent homes, which said country is described as follows, to wit: Beginning on the west line of the State of Missouri, at the Northeast corner of the Cherokee tract, & running thence north along the west line of the State of Missouri twenty seven miles to the Southerly line of the Miami Lands, thence west so far as shall be necessary, by running a line at right angles, & parallel to the west line aforesaid, to the Osage Lands, & thence Easterly along the Osage & Cherokee Lands to the place of beginning to include one million, eight hundred & twenty four thousand acres of Land, being three hundred & twenty acres for each soul of said Indians as their numbers are at present computed: To have & to hold the same in fee simple to the said tribes or nations of Indians, by patent from the President of the United States, issued in conformity with the provisions of the third section of the act, entitled, "An act to provide for an exchange of Lands, with the Indians residing in any of the states or Territories, & for their removal west of the Mississippi," approved on the 28th day of May, 1830, with full power & authority in the said Indians to divide said lands among the different tribes, nations, or bands, in severalty, with the right to sell & convey to & from each other, under such laws & regulations as may be adopted by the respective tribes, acting by themselves, or by a general council of the said New York Indians;

acting for all the tribes collectively. It is understood & agreed that the above described country is intended as a future home for the following tribes, to wit: The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St Regis, Stockbridges, Munsees, & Brothertowns residing in the state of New York, & the same is to be divided equally among them, according to their respective numbers, as mentioned in a schedule hereto annexed.

Article 3. It is further agreed that such of the tribes of the New York Indians as do not accept & agree to remove to the country set apart for their new homes within five years, or such other time as the President may, from time to time, appoint, shall forfeit all interest in the lands so set apart, to the United States.

Article 4. Perpetual peace & friendship shall exist between the United States & the New York Indians; & the United States hereby guarantee to protect & defend them in the peaceable possession & enjoyment of their new homes, & hereby secure to them, in said country, the right to establish their own form of Government, appoint their own officers, & administer their own laws; subject, however, to the legislation of the Congress of the United States, regulating trade & intercourse with the Indians. The lands secured to them by patent under this treaty shall never be included in any state or Territory of this Union. The said Indians shall also be entitled in all respects, to the same political & civil rights & privileges, that are granted & secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory.

Article 5. The Oneidas are to have their lands in the Indian Territory, in the tract set apart for the New York Indians, adjoining the Osage tract, & that hereinafter set apart for the Senecas; & the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tribes, whose lands are not specially designated in this treaty, are to have such as shall be set apart by the President.

[illegible]

Article 6. It is further agreed that the United States will pay to those who remove west, at their new homes, all such annuities, as shall properly belong to them. The schedules hereunto annexed shall be deemed & taken as a part of this treaty.

Article 7. It is expressly understood & agreed, that this treaty must be approved by the President & ratified & confirmed by the Senate of the United States, before it shall be binding upon the parties to it. It is further expressly understood & agreed, that the rejection, by the President & Senate, of the provisions thereof, applicable to one tribe, or distinct branch of a tribe, shall not be construed to invalidate as to others, but as to them it shall be binding, & remain in full force & effect.

Article 8. It is stipulated & agreed that the accounts of the Commissioner, & expenses incurred by him in holding a council with the New York Indians, & concluding treaties at Green Bay & Duck Creek, in Wisconsin, & in the state of New York, in 1836 & those for the exploring party of the New York Indians, in 1837, & also the expenses of the present treaty, shall be allowed & settled according to former precedents.

Special provisions for the St. Regis.

Article 9. It is agreed with the American party of the St Regis Indians, that the United States will pay to the said tribe, on their removal west, or at such time as the President shall appoint, the sum of five thousand Dollars, as a remuneration for monies laid out by the said tribe, & for services rendered by their chiefs & agents in securing the title to the Green Bay lands, & in removal to the same, the same to be apportioned out to the several claimants by the chiefs of the said party & a United States Commissioner, as may be deemed by them equitable & just. It is further agreed, that the following reservation of Land shall be made to the Rev. Eleazer Williams, of said tribe, which he claims in his own right, & in that of his wife, which he is to hold in fee simple, by patent from the President, with full power & authority to sell & dispose of the same, to wit: Beginning at a point in the west bank of Fox River sixteen chains above the old mill dam at the rapids of the Little Kackalin; thence north fifty two degrees & thirty minutes west, two hundred & forty chains; thence north thirty seven degrees & thirty minutes East, two hundred chains; thence South fifty two degrees & ~~fifty~~ thirty minutes east, two hundred & forty chains to the bank of Fox River, thence up along the bank of Fox River to the place of beginning.

### Special provisions for the Senecas.

Article 10. It is agreed with the Senecas that they shall have for themselves & their friends, the Cayugas & Onondagas, residing among them, the Easterly part of the tract set apart for the New York Indians, & to extend so far west, as to include one half section (three hundred & twenty acres) of land for each soul of the Senecas, Cayugas & Onondagas, residing among them; & if, on removing west, they find there is not sufficient timber on this tract for their use, then the President shall add thereto timber
& they agree to remove to remove from the state of New York
land sufficient for their accommodation
to their new homes within five years & to continue to reside there.

And whereas at the making of this treaty, Thomas L. Ogden & Joseph Fellows the assignees of the State of Massachusetts, have purchased of the Seneca ~~Indian~~ nation of Indians, in the presence & with the approbation of the United States Commissioner, appointed by the United States to hold said treaty or convention, all the right, title, interest & claim of the said Seneca nation, to certain lands by a deed of conveyance a duplicate of which is hereunto annexed; and whereas the consideration money mentioned in said Deed, amounting to two hundred & two thousand Dollars, belongs to the Seneca nation & the said nation agrees that the said sum of money shall be paid to the United States, & the United States agree to receive the same, to be disposed of as follows: The sum of one hundred thousand Dollars is to be invested by the President of the United States in safe stocks, for their use, the income of which is to be paid to them at their new homes, annually, & the balance, being the sum of one hundred & two thousand Dollars, is to be paid to the owners of the improvements on the lands so deeded, according to an appraisement of said improvements,

& a distribution & award of said sum of money among the owners of said improvements, to be made by appraisers, hereafter to be appointed by the Seneca nation, in the presence of a United States Commissioner, hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same, according to said appraisal & award, on their severally relinquishing their respective possessions to the said Ogden & Fellows.

Special provisions for the Cayugas.

Article 11. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand Dollars, & will invest the same in some safe stocks, the income of which shall be paid them annually, at their new homes. The United States further agree to pay to the said nation, on their removal west, two thousand five hundred Dollars, to be disposed as the chiefs shall deem just & equitable.

Special provisions for the Onondagas residing on the Seneca Reservations.

Article 12. The United States agree to

set apart for the Onondagas, residing on the Seneca reservations, two thousand five hundred Dollars, on their removing west, & to invest the same, in safe stocks, the income of which shall be paid to them annually at their new homes. And the United States further agree to pay to the said Onondagas, on their removal to their new homes in the west, two thousand Dollars, to be disposed of as the Chiefs shall deem equitable & just.

### Special provisions for the Oneidas residing in the State of New York.

**Article 13.** The United States will pay the sum of four thousand Dollars, to be paid to Baptista Powlis, & the Chiefs, of the first Christian party residing at Oneida, & the sum of two thousand Dollars shall be paid to William Day & the Chiefs of the Orchard party residing there, for expenses incurred & services rendered in securing the Green Bay Country, & the settlement of a portion thereof, & they hereby agree to remove to their new homes in the Indian Territory as soon as they can make satisfactory

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Article 14.

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set apart for the Onondagas, residing on the Seneca reservations, two thousand five hundred Dollars, on their removing west, & to invest the same in safe stocks, the income of which shall be paid to them annually at their new homes. And the United states further agree to pay to the said Onondagas, on their removal to their new homes in the west, two thousand Dollars, to be disposed of as the Chiefs shall deem equitable & just.

Special provisions for the Oneidas residing in the state of New York.

Article 13. The United states will pay the sum of four thousand Dollars, to be paid to Baptista Powlis, & the Chiefs of the first Christian party residing at Oneida, & the sum of two thousand Dollars shall be paid to William Day & the Chiefs of the Orchard party residing there, for expenses incurred & services rendered in securing the Green Bay Country, & the settlement of a portion thereof, & they hereby agree to remove to their new homes in the Indian Territory as soon as they can make satisfactory arrangements with the Governor of the state of New York for the purchase of their lands at Oneida.

Special provisions for the Tuscaroras.

Article 14. The Tuscarora nation agree to accept the country set apart for them in the Indian Territory, & to remove there within five years, & continue to reside there. It is further agreed that the Tuscaroras shall have their lands in the Indian country, at the Forks of the Neosha river, which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the nation. But if on examination they are not satisfied with this location, they are to have their lands at such place as the President of the United States shall designate. The United States will pay to the Tuscarora nation, on their settling at the west, three thousand Dollars, to be disposed of, as the chiefs shall deem most equitable & just. Whereas the said nation owns, in fee simple, five thousand acres of Land, lying in Niagara County, in the state of New York which was conveyed to the nation by Henry Dearborn & they wish to sell & convey the same before they remove west: Now therefore, in order to have the same done in a legal & proper way, they hereby convey the same to the United States & to be held in trust for them, & they authorize the President to sell & convey the same, & the money which shall be received for the said lands, exclusive of the improvements, the President shall invest in safe stocks, for their benefit, the income from which, shall be paid to the nation at their new homes, annually; & the money which shall be received for improvements on said lands shall be paid to the owners of the improvements when the lands are sold. The President shall cause the said Lands to be surveyed & the improvements shall be appraised by such persons as the nation shall appoint; & said lands shall also be appraised, & shall not be sold at a less price than the appraisal, without the consent of James Cusick, William Mountpleasant & William Chew, or the survivor, or survivors of them; & the expenses incurred by the United states in relation to this trust, are to be deducted from the moneys received before investment.

And whereas, at the making of this treaty, Thomas L. Ogden & Joseph Fellows, the assignees of the state of Massachusetts, have purchased of the Tuscarora nation of Indians, in the presence & with the approbation of the Commissioner appointed on the part of the United States to hold said treaty or convention, all the right, title, interest, & claim of the Tuscarora nation to certain Lands, by a deed of conveyance, a duplicate of which is hereunto annexed: And whereas, the consideration money for said lands has been secured to the said nation to their satisfaction, by Thomas L. Ogden & Joseph Fellows; therefore the United hereby ~~consent~~ assent to the said sale & conveyance & sanction the same.

Article 15. The United states hereby agree that they will appropriate the sum of four hundred thousand Dollars, to be applied from time to time, under the direction of the President of the United States, in such proportions, as may be most for the interest of the said Indians, parties to this treaty, for the following purposes, to wit; to aid them in removing to their homes, & supporting themselves the first year after their removal; to encourage & assist them in education, & in being taught to cultivate their lands; in erecting mills & necessary houses; in purchasing domestic animals

at the time & place above
mentioned

R. H. Gillet L.S.
Commissioner

Senecas

Dao-nepho-gah, or Little Johnson his x mark L.S.
Da-ga-o-geas, or Daniel Twoguns L.S.
Gee-odowa-neh, or Captain Pollard his x mark L.S.
Joh-nes-ha-dih, or James Stevenson, his x mark L.S.
Hure-hau-stah, or Captain Strong his x mark L.S.
So-ne-a-ge, or Captain Snow his x mark L.S.
Hau-neh-hays oh, or Blue Eyes his x mark L.S.
Haw-naw-wah-es, or Levi Halftown his x mark L.S.
Goat-hau-oh, or Billy Shanks his x mark L.S.
Hau-sa-nea-nes, or White Seneca his x mark L.S.
Howah-do-goh-deh or George Bennet his x mark L.S.
Hays-tah-jih. or Job Pierce his x mark L.S.
Sho-nan-do-wah, or John Gordon his x mark L.S.
Noh-sok-dah or Jim Jonas his x mark L.S.
Shaw-neh-dik or William Johnson his x mark L.S.
Gaw-neh-da-au-ok or Reuben Pierce his x mark L.S.
Shaw-go-nes-goh-sha-oh or Morris Halftown his x mark L.S.
Shaw-go-za-sot-hoh or Jacob Jimeson his x mark L.S.
Gua-wa-no-oh or George Big Deer his x mark L.S.
Joh-que-ya-suse or Samuel Gordon L.S.
Gua-ne-oh-doh or Thompson S. Harris L.S.

Gau-geh-queh-doh or George Jimeson his x mark L.S.
Hon-non-de-uh, or Nathl T. Strong. L.S.
Nuh-joh-gau-eh. or Tall Peter his x mark L.S.
Sho-nauk-ga-nes or Tommy Jimmy his x mark L.S.
So-joh-gwa-us or John Tall chief his x mark L.S.
Shau-gau-nes-es-tip or George Fox L.S.
Jo-na-dau-goyh or Jabez Stevenson L.S.
Tit-ho-yuh or William Jones his x mark L.S.
Sunch-dah-glence, or George White by his agent
White Seneca his x mark L.S.
Gau-nee-sed-goh, or Walter Thompson
by his agent Daniel Two Guns his x mark L.S.
Dauga-se or Long John his x mark L.S.
Gua-sa-we-doh, or John Bark his x mark L.S.
Gau-ni daugh or George Lindsey L.S.
Ho-ma-ga-was. or Jacob Bennett his x mark L.S.
Cor-dih-heh-oh. or John Bennett his x mark L.S.
Nis-ha-nea-nent or Seneca White his x mark L.S.
Ha-dya-no-doh or Maris Pierce L.S.
Yoh-dih-doh- or David White L.S.
James Strong his x mark L.S.
Ka-non-da-gyh or William Cass his x mark L.S.
Nin ge-jos-a or Samuel Wilson his x mark L.S.
Jo-on-da-goh or John Seneca his x mark L.S.

## Tuscaroras.

Ka-nat-soyh, or Nicholas Cusick L.S.

Sacharissa or Wm Chew L.S.

Kaw-we-ah-ka or Wm. Mt. Pleasant his x mark L.S.

Kaw-ee-a-rock-ka or John Fox L.S.

Jee-me or James Cusick L.S.

Tu-hu-ne-at-kak or John Patterson his x mark L.S.

O'tah-guaw-naw-wa- or Samuel Jacobs L.S.

Ka-noh-sa-ta, or James Anthony his x mark L.S.

Gau-ro-quan, or Peter Elm his x mark L.S.

Tu-nah-she-ashan or Daniel Peter his x mark L.S.

Oneidas residing in the state of New York
for themselves & their parties

Baptiste Powlis his x mark L.S.

Jonathan Jordan his x mark L.S.

Oneidas at Green Bay

John Anthony his x mark L.S.

Honjost Smith his x mark L.S.

Henry Jordan his x mark L.S.

Thomas King his x mark L.S.

St. Regis.

Eleazer Williams Chief Agent L.S.

Oneidas residing on the Seneca reservation

Hon-no-ne-ga-doh or Arnsmith his x mark L.S.

for himself & in behalf of his nation

Hoge-waghtah or William Jacket his x mark L.S.

C
Moore

Soh-hee-gae-ne or Button George his x mark L.S.

Principal Onondaga warriors in behalf
of themselves & the Onondaga warriors.

Ka-noh-qua-sa or William John his x mark L.S.

Sah-gue-e-a-dah or Noah Silversmith his x mark L.S.

Cayugas.

Skoh-no-eh or William King his x mark L.S.

Geh-da-or-loh or James Young L.S.

Gay-on-wek or Jack Wheelbarrow his x mark L.S.

D'yo-ya-teh or Joseph Isaac his x mark L.S.

For themselves & in behalf of the nation

Principal Cayuga warriors in behalf of
themselves & the Cayuga warriors.

Hah-oh-u or John Crow his x mark L.S.

Ho-na-e-geh-dah or Snow Darkness his x mark L.S.

2 Gone-ah-ga-e-do or Jacob G. Seneca L.S.

Di-i-tin-ese or Ghostly darkness his x mark L.S.

Hon-no-gah-dyok or Thomas Crow his x mark L.S.

Wan-wah-wa-na-onk or Peter Wilson L.S.

Ho-en-dagh or Jonathan White his x mark L.S.

Sago-gan-e-on-gwus or Harvey Rowe his x mark L.S.

To-ga-ne-ah-doh, or David Crow his x mark L.S.

Soh-win-dah-neh or George Wheeler L.S.

So-geh-no-do-nis or Simon Isaac his x mark L.S.

Ha-dah-sa or Joseph Peter his x mark L.S.

Sa-go-di-get-ha or Jacob Jackson his x mark L.S.

Witnesses

James Stryker Sub-Agent Six nations New York Indians

Nathaniel T. Strong United States interpreter N.Y. Agency

H. B. Potter

Orlando Allen

H. P. Wilcox

Charles H. Allen

Horatio Jones

Spencer H. Cone

W. W. Jones

J. F. Schermerhorn

Josiah Trowbridge

## Schedule A.

Census of the New York Indians as taken in 1837.

Number residing on the Seneca reservations

| | |
|---|---|
| Senecas | 2.309 |
| Onondagas | 194 |
| Cayugas | 130 |
| | 2.633 |
| Onondagas at Onondaga | 300 |
| Tuscaroras | 273 |
| St. Regis in New York | 350 |
| Oneidas at Green Bay | 600 |
| Oneidas in New York | 620 |

| | |
|---|---|
| Stockbridges | 217 |
| Munsees | 132 |
| Brothertowns | 360 |

The above was made before the execution of the treaty.

R. H. Gillet
Commissioner

## Schedule B.

The following is the disposition agreed to be made of the sum of three thousand Dollars provided in this treaty for the Tuscaroras, by the Chiefs, & assented to by the Commissioner, & is to form a part of the Treaty:

To Jonathan Printess, ninety three Dollars.
To William Chew, one hundred & fifteen Dollars.
To John Patterson, forty six Dollars.
To William Mountpleasant, one hundred & seventy one Dollars.
To James Cusick, one hundred & twenty five Dollars.
To David Peter, fifty Dollars.

The rest & residue thereof is to be paid to the nation.

The above was agreed to before the execution of the Treaty.

R. H. Gillet, Commissioner

## Schedule C.

Schedule applicable to the Onondagas & Cayugas residing on the Seneca reservations. It is agreed that the following disposition shall be made of the amount set apart to be divided by the Chiefs of those nations, in the preceding parts of this treaty, any thing therein to the contrary notwithstanding:

To William King, One thousand five hundred Dollars; to Joseph Isaacs seven hundred Dollars; Jack Wheelbarrow, three hundred Dollars; Silversmith One thousand Dollars; William Jacket, five hundred Dollars; Buton George, five hundred Dollars.

The above was agreed to before the treaty was finally executed.

R. H. Gillet, Commissioner

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At a treaty held under the authority of the United States of America, at Buffalo Creek in the County of Erie, & State of New York, between the Chiefs & headmen of the Seneca nation of Indians, duly assembled in council, & representing & acting for the said nation, on the one part, & Thomas Ludlow Ogden of the City of New York & Joseph Fellows of Geneva, in the County of Ontario, on the other part, concerning the purchase of the right & claim of the said Indians in & to the lands within the State of New York remaining in their occupation: Ransom H. Gillet, Esquire, a Commissioner appointed by the President of the United States to attend & hold the said treaty, & also Josiah Trowbridge, Esquire, the Superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said Chiefs & headmen, on behalf of the Seneca nation, did agree to sell & release to the said Thomas Ludlow Ogden & Joseph Fellows, & they the said Thomas Ludlow Ogden & Joseph Fellows did agree to purchase all the right, title & claim of the said Seneca nation of, in & to the several tracts, pieces, or parcels of land mentioned & described in the instrument of writing next hereinafter set forth, & at the price or sum therein specified, as the consideration, or purchase money for such sale & release; which instrument being read & explained to the said parties, & mutually agreed to, was signed & sealed by the said contracting parties, & is in the words following:

This Indenture, made this fifteenth day of January in the year of our Lord one thousand eight hundred & thirty eight, between the Chiefs & head men of the Seneca nation of Indians, duly assembled in council, & acting for & on behalf of the said Seneca nation, of the first part, & Thomas Ludlow Ogden, of the City of New York & Joseph Fellows, of Geneva, in the County of Ontario, of the second part witnesseth: That the said Chiefs & headmen of the Seneca nation of Indians in consideration of the sum of two hundred & two thousand Dollars to them in hand paid by the said Thomas Ludlow Ogden & Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released & confirmed; & by these presents do grant, bargain, sell, release & confirm unto the said Thomas Ludlow Ogden & Joseph Fellows, & their heirs & assigns, all that certain tract, or parcel of Land situate, lying & being in the County of Erie & State of New York commonly called & known by the name of Buffalo Creek reservation, containing by estimation forty nine thousand nine hundred & twenty acres be the contents thereof more or less. Also all that certain other tract, or parcel of land, situate, lying & being in the Counties of Erie, Chatauque, & Cattaraugus in said State commonly called & known by the name of Cattaraugus reservation, containing by estimation twenty one thousand six hundred & eighty acres, be the contents thereof more, or less. Also, all that certain other tract, or parcel of Land, situate, lying & being in the said County of Cattaraugus, in said State, commonly called & known by the name of the Alleghany reservation, containing by estimation thirty thousand four hundred & fifty nine acres, be the contents more or less. And also, all that certain other tract or parcel of Land, situate, lying & being

THE NATIONAL ARCHIVES OF THE UNITED STATES

partly in said County of Erie & partly in the County of Genesee, in said state, commonly called & known by the name of the Tonawando reservation, & containing by estimation twelve thousand, eight hundred acres, be the same more or less, as the said several tracts of land have been heretofore reserved & are held & occupied by the said Seneca nation of Indians, or by individuals thereof, together with all & singular the rights, privileges, hereditaments & appurtenances to each & every of the said tracts, or parcels of land belonging or appertaining; & all the estate, right, title, interest, claim, & demand of the said party of the first part, & of the said Seneca nation of Indians, of, in, & to the same, & to each & every part & parcel thereof: To have & to hold all & singular the above described & released premises unto the said Thomas Ludlow Ogden & Joseph Fellows, their heirs & assigns to their proper use & behoof forever, as joint tenants, & not as tenants in common.

In witness whereof, the parties to these presents have hereunto & to three other instruments of the same tenor & date one to remain with the United States, one to remain with the state of Massachusetts, one to remain with the Seneca nation of Indians, & one to remain with the said Thomas Ludlow Ogden & Joseph Fellows, interchangeably set their hand & seals the day & year first above written

Little Johnson his + mark L.S.
Daniel Twoguns L.S.
Captain Pollard his + mark L.S.
James Stevenson his + mark L.S.
Captain Strong his + mark L.S.
Captain Snow his + mark L.S.
Blue Eyes his + mark L.S.
Levi Halftown his + mark L.S.
Billy Shanks his + mark L.S.
White Seneca his + mark L.S.
George Bennett his + mark L.S.
John Pierce his + mark L.S.
John Gordon his + mark L.S.
Jim Jones his + mark L.S.
William Johnson his + mark L.S.
5 Reuben Pierce his + mark L.S.
Morris Halftown his + mark L.S.
Jacob Jimeson his + mark L.S.
Samuel Gordon L.S.

Thompson S. Harris L.S.

George Jemison his + mark L.S.

Nathaniel T. Strong L.S.

Tall Peter his + mark L.S.

Tommy Jimmy his + mark L.S.

John Tall Chief his + mark L.S.

George Fox L.S.

Toby Stevenson L.S.

William Jones his + mark L.S.

George White his + mark L.S.

By his Agent White Seneca.

John Snow his + mark L.S.

Walter Thompson his + mark L.S.

By his agent Daniel Two Guns.

Long John his + mark L.S.

John Bark his + mark L.S.

George Lindsey L.S.

Jacob Bennett his + mark L.S.

John Bennett his + mark L.S.

Seneca White his + mark L.S.

Maris B. Pierce L.S.

David White L.S.

James Shongo his + mark L.S.

William Cass his + mark L.S.

Samuel Wilson his + mark L.S.

John Seneca his + mark L.S.

Signed, sealed & delivered in presence of
James Stryker,
Nathaniel T. Strong
Spencer H. Cone } Interpreters.
H. B. Potter
Charles H. Allen

At the before mentioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, & this day concluded, the foregoing instrument of writing was agreed to by the contracting parties therein named; & was in my presence, executed by them, & being approved by me, I do hereby certify & declare such my approbation thereof.

Witness my hand & seal, at Buffalo Creek, this 15th day of January in the year 1838 Joseph Trowbridge L.S.

I have attended a treaty of the Seneca nation of Indians, held at Buffalo Creek in the County of Erie in the state of New York, on the fifteenth day of January in the year of our Lord one thousand eight hundred & thirty eight when the within instrument was duly executed, in my presence, by the Chiefs of the Seneca nation, being fairly & properly understood by them. I do, therefore, certify & approve the same.

R. H. Gillet, Commissioner

At a treaty held under & by the authority of the United States of America, at Buffalo Creek, in the County of Erie, & State of New York, between the Sachems, Chiefs & warriors of the Tuscarora nation of Indians, duly assembled in council & representing & acting for the said nation, on the one part, & Thomas Ludlow Ogden of the City of New York & Joseph Fellows of Geneva in the County of Ontario, on the other part, concerning the purchase of the right & claim of the said nation of Indians in & to the lands within the State of New York, remaining in their occupation: Ransom H. Gillet, Esquire, a Commissioner appointed by the President of the United States to attend & hold the said treaty; & also Joseph Trowbridge Esquire, the Superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said Sachems, Chiefs & Warriors, on behalf of the said Tuscarora nation, did agree to sell & release to the said Thomas Ludlow Ogden & Joseph Fellows, & they the said Thomas Ludlow Ogden & Joseph Fellows did agree to purchase all the right, title & claim of the said Tuscarora nation of, in & to the tract, piece, or parcel of Land mentioned & described in the instrument of writing next hereinafter set forth, & at the price, or sum therein specified, as the consideration or purchase money for such sale & release; which instrument being read & explained to the said parties & mutually agreed to, was signed & sealed by the said contracting parties, & is in the words following:

This Indenture, made this fifteenth day of January in the year of our Lord one thousand eight hundred & thirty eight, between the sachems, chiefs & warriors of the Tuscarora nation of Indians, duly assembled in council, &

acting for & on behalf of the sd Tuscarora nation of the first part, & Thomas Ludlow Ogden of the City of New York & Joseph Fellows of Geneva, in the County of Ontario, of the second part witnesseth: That the said Sachems Chiefs & warriors of the Tuscarora nation, in consideration of the sum of nine thousand six hundred Dollars, to them in hand paid by the said Thomas Ludlow Ogden & Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold released & confirmed, & by these presents do grant, bargain, sell, release & confirm to the said Thomas Ludlow Ogden & Joseph Fellows, & to their heirs & assigns, all that tract or parcel of Land situate, lying & being in the County of Niagara & State of New York, commonly called & known by the name of the Tuscarora reservation or Seneca grant, containing nineteen hundred & twenty acres, be the same more or less, being the lands in their occupancy, & not included in the lands conveyed to them by Henry Dearborn, together with all & singular the rights the rights, privileges, hereditaments, & appurtenances to the said tract or parcel of Land belonging, or appertaining, & all the estate, right, title, interest, claim & demand of the said party of the first part, & of the said Tuscarora nation of Indians of, in & to the same, & to every part & parcel thereof. To have & to hold all & singular the above described & released premises unto the said Thomas Ludlow Ogden & Joseph Fellows, & their heirs & assigns, to their proper use & behoof forever, as joint tenants, & not as tenants in common.

In witness whereof, the parties to these presents have hereunto & to three other instruments of the same tenor & date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Tuscarora nation of Indians & one to remain with the said Thomas Ludlow Ogden & Joseph Fellows, interchangeably set their hands & seals, the day & year first above written

Nicholas Cusick L.S.

William Chew L.S.

William Mountpleasant L.S.

John Fox his x mark L.S.

James Cusick L.S.

John Patterson his x mark L.S.

Samuel Jacobs L.S.

James Anthony his x mark L.S.

Peter Elm his x mark L.S.

Daniel Peter his x mark L.S.

Sealed & delivered in presence of

James Stryker
R. H. Gillet
Charles H. Allen
J. F. Schermerhorn
Nathaniel T. Strong U.S. Interpreter
H. B. Potter
Orlando Allen.

At the above mentioned treaty, held in my presence, as Superintendent on the part of the Commonwealth of Massachusetts, & this day concluded, the foregoing instrument was agreed to by the contracting parties therein named, & was, in my presence executed by them & being approved by me, I do hereby certify & declare such my approbation thereof.

Witness my hand & seal; at Buffalo Creek, this 15th day of January in the year 1838. J Trowbridge L.S.
Superintendent

I have attended a treaty of the Tuscarora nation of Indians, held at Buffalo Creek in the County of Erie in the State of New York, on the fifteenth day of January in the year of our Lord one thousand eight hundred & thirty eight, when the within instrument was duly executed in my presence, by the Sachems Chiefs & warriors of the said Nation, being fairly & properly understood & transacted by all the parties of Indians concerned & declared to be done to their full satisfaction, I do therefore certify & approve the same

R.H. Gillet, Commissioner

Supplemental article to the Treaty concluded at Buffalo Creek, in the State of New York, on the 15th of January 1838 concluded between Ransom H. Gillet Commissioner on the part of the United States, & chiefs & head men of the St Regis Indians, concluded on the 13th day of February 1838

Supplemental article to the Treaty concluded at Buffalo Creek in the state of New York, dated January 15: 1838.

The undersigned chiefs & headmen of the St Regis Indians residing in the state of New York having heard a copy of said treaty read by Ransom H. Gillet, the Commissioner who concluded that treaty on the part of the United States, & he having fully & publicly explained the same, & believing the provisions of the said treaty to be very liberal on the part of the United States & calculated to be highly beneficial to the New York Indians, including the

St. Regis who are embraced in its provisions do hereby assent to every part of the said treaty & approve the same. And it is further agreed, that any of the St Regis Indians who wish to do so, shall be at liberty to remove to the said country at any time hereafter within the time specified in this treaty, but under it the government shall not compel them to remove. The United States will, within one year after the ratification of this treaty, pay over to the American party of said Indians, one thousand Dollars part of the sum of five thousand Dollars mentioned in the special provisions for the St Regis Indians, anything in the article contained to the contrary notwithstanding.

Here

Done at the council House at St. Regis, this thirteenth day of February in the year of our Lord one thousand eight hundred & thirty eight

Witness our hand & seals

R H Gillet L.S.
Commissioner

Sover-taie-enve + L.S.

"

Owen C. Donnelly his x mark
Joy Saree

Robt

We the Undersigned Chiefs of the Seneca tribe of New York Indians, residing in the State of New York, do hereby give our free & voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, & to our contract therewith, the same having been submitted to us by Ransom H. Gillet, a Commissioner on the part of the United States, & fully & fairly explained by him, to our said tribe, in council assembled.

Dated Buffalo Creek ~~August 2~~ September 28th 1838

Captain Pollard his × mark

Captain Strong his × mark

White Seneca his × mark

Blue Eyes his × mark

George Bennett his × mark

Job Pierce his × mark

Tommy Jimmy his × mark

William Johnson his + mark

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Ruben Pierce his + mark

Morris Halftown his + mark

Levi Halftown his + mark

George Big deer his × mark

Jim Jonas his × mark

George Jemison his × mark

Thomas Jimeson

George Fox

N. T. Strong

Thompson S. Harris

Saml Gordon

Jacob Jemison his × mark

John Gordon his + mark

Tall Peter his × mark

Billy Shanks his × mark

James Stevenson his × mark

Walter Thompson his × mark

John Bennett his + mark

John Seneca his + mark

John General his + mark

Major Jack Berry his + mark

John Tall chief his + mark

Jabez Stevenson

The above signatures were freely & voluntarily given after the Treaty & amendments had been fully & fairly explained in open Council

R. H. Gillet
Comr

Witness

H. A. S. Dearborn
Superintendent of Massachusetts

James Stryker
U. S. Agent

These ten Chiefs signed in my presence except the last, John Snow
H. A. S. Dearborn
Superintendent of Massachusetts.

Little Johnson his x mark
Samuel Wilson his x mark
John Buck his x mark
William Cass his x mark
Long John his x mark
Sky Carrier his x mark
Charles Greybeard his x mark
John Hutchinson his x mark
Charles F. Pierce
John Snow his x mark
George Kenyuguidet his x mark
By his attorneys
N. T. Strong
White Seneca his x mark

Signed in presence of
Nathl T. Strong
U. S. Interpreter
James Stryker
U. S. Agent

The signature of George Kenyuquide was added by his Attornies in my presence.

R.H. Gillet

James Stryker

18th Jany. 1839.

Moory

We the undersigned Chiefs of the Oneida tribe of New York Indians do hereby give our free & voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, the same having been submitted to us by Ransom H. Gillet, a Commissioner on the part of the United States & fully & fairly explained by him to our said tribe in council assembled. Dated August 9th 1838 at the Oneida Council House

Executed in presence of
Timothy Jenkins

First Christian party.

Baptista Powlis his x mark
Anthony Big Knife his x mark
Peter Williams his x mark
Jacob Powlis his x mark
Anthony Anthony his x mark
Peter Martin his x mark
Cornelius Summer his x mark
Isaac Wheelock his x mark
Thomas Doxtater his x mark
William Hill his x mark
Baptiste Denny his x mark

Orchard party

Jonathan Jordon his X mark
Thomas Scanado his X mark
Henry Jordon his X mark
William Day his X mark

Second Christian party

Abraham Denny
Adam Thompson his X mark
Peter Elm his X mark
Lewis Denny his X mark

Martin Denny

The above assent was voluntarily freely & fairly given in my presence after being fully & fairly explained by me. R.H. Gillet
Comr

Genl

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We the undersigned Sachems, Chiefs & head men of the Tuscarora nation of Indians residing in the State of New York, do hereby give our free & voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, & to our contract connected therewith, the same having been submitted to us by Ransom H. Gillet, a Commissioner on the part of the United States & fully & fairly explained by him to our said tribe in council assembled.

Dated August 14th 1838.

Nicholas Cusick
Wm Chew
William Mountpleasant
John Patterson his X mark
Matthew Jack his X mark
George L Printup
James Cusick

Jonathan Printup his X mark
Mark Jack
Samuel Jacobs

Executed in presence of

J. S. Buckingham
D. Judson
Leicester S. Buckingham
Orlando Allen

The above assent was freely & voluntarily given after being fully & fairly explained by me.

R. H. Gillet
Comr.

We the undersigned Chiefs & head men of the tribe of Cayuga Indians residing in the state of New York do hereby give our free & voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United states on the eleventh day of June 1838, the same having been submitted to us by Ransom H. Gillet, a Commissioner on the part of the United states & fully & fairly explained by him to our said tribe in council assembled.

Dated August 30th 1838

Executed in presence of } James Young

Thomas Crow his + mark
John Crow his + mark
Ghastly Darkness his + mark
Jacob G. Seneca

The above four signatures were freely given in our presence
R. H. Gillet Comr.
H. A. S. Dearborn Superintendent of Massachusetts.

Co

We the undersigned sachems, chiefs & head men of the American party of the St Regis Indians residing in the state of New York, do hereby give our free & voluntary assent to the foregoing treaty as amended by the Senate of the United States on the eleventh day of June 1838, the same having been submitted to us by Ransom H. Gillet a commissioner on the part of the United States, & fully & fairly explained by him to our said tribe in council assembled. The St Regis Indians shall not be compelled to remove under the treaty or amendments

Dated October 9th 1838

Lorenn + tare onre

Sak + Sari ho8one

Louis + tario, roniate

tomas + tatek

Saro + Sakotasettha

Louis + tellanota tiron

Michel Gareault

M L Gray Jnt

Louis + tio onsaite

tier + arasatharat

tomas + Sha entosane

tier + Sakko ianisakks.
Saro + tio loris on
Sak. + tho lavasen
Saro + Arion 8ese
Louis + onia vakkle.
Louis + aion 8akes.
Sak. + tkanen ris kon
Sasatis + ania larcio
Louis + Sa konake
Sasatis + ari k8aralka
Simon + Sake rese
Rasi + tris kako
Enias + Mari 8cio
Sak. + tiorak8isen
tier + kaien lake ron
tier + ari hala kko
tomas + te satti 8ason
Saro + thari okletha
Enias + anasote tho
8iné + te ka ria las otten
tomas + tio kata k8 onte
8iné + aton ontores
tomas + ioke rio
Enias + kana8 aien ton
Louis + taronia kethon

Louis + arisate nha
Sak. + tiori tela
Louis + te sati skon
tier + ati nonsisakks

The foregoing grant was signed in our presence
R. H. Gillet Comr
Witnesses
James B Spencer
Herman W Tucker
A K Williams agt St Regis Indians
Frs Marcoux Prêtre

We the undersigned, Chiefs, head men & warriors of the Onondaga tribe of Indians residing on the Seneca Reservations in the state of New York, do hereby give our free & voluntary assent to the foregoing treaty as amended by the Senate of the United states on the eleventh day of June 1838, the same having been submitted to us, by Ransom H. Gillet, a Commissioner "on the part of the United States" & fully & fairly explained by him to our said tribe in council assembled.

Dated August 31st 1838.

Silas Smith his + mark

Noah Silversmith

William Jacket his X mark

The above signatures were freely given in our presence

R. H. Gillet Com

H. A. S. Dearborn Superintendent of Massachusetts.

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And whereas, the Senate did, on the twenty-fifth of March one thousand eight hundred and forty, resolve, "That in the opinion of the Senate the Treaty between the United States and the Six Nations of New York Indians, together with the amendments proposed by the Senate of the 11th of June, 1838, have been satisfactorily acceded to and approved of by said tribes, the Seneca Tribe included: and that in the opinion of the Senate the President is authorized to proclaim the Treaty as in full force and operation."

Now, therefore, be it known, that I, Martin Van Buren, President of the United States of America, do, in pursuance of the Resolutions of the Senate of the eleventh of June one thousand eight hundred and thirty eight, and twenty-fifth of March one thousand eight hundred and forty, accept, ratify, and confirm, said Treaty, and every article and clause thereof.

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In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this fourth day of April, one thousand eight hundred and forty, and of the Independence of the United States the sixty-third.

M. Van Buren

By the President.

John Forsyth Secretary of State.

No. 1 april
Mr Dickins

In Senate of the United States,
March 25th 1840.

Resolved, That in the opinion of the Senate the Treaty between the United States and the Six Nations of New York Indians, together with the amendments proposed by the Senate of the 11th of June, 1838, have been satisfactorily acceded to and approved of by said tribes, the Seneca Tribe included: and that in the opinion of the Senate the President is authorized to proclaim the Treaty as in full force and operation.

Attest,

Asbury Dickins
Secretary.

Mr Dickins

✓

# Executive proceedings
# of
# the Senate of the United States,
## from which the injunction of secrecy has been removed, on the Treaty with the New York Indians.

## Friday, January 3d 1840.

Mr White, of Tennessee, presented a communication, directed to him and signed by Daniel Two-guns and others as Chiefs, Sachems &c, of the Seneca Nation of Indians, alledging that unfair means were practised in obtaining the assent of those Indians to a treaty concluded with them, of which they have proof, and requesting that no action be had on said treaty until their arrival at Washington.

The said communication was read, and

On motion by Mr White, of Tennessee,

Ordered, That it be laid on the table.

## Tuesday, January 14th 1840.

The following message was received from the President of the United States, by Mr Abraham VanBeuren, his Secretary:

(For the message, see printed document herewith, pages 1 to 5 inclusive)

The message was read.

The treaty with the New York Indians, communicated with the message of this day, was read; and, by unanimous consent, was read a second time.

On motion by Mr Sevier,

Ordered, That the message with the treaty and

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documents, together with the communication on the same subject presented on the 3d instant, be referred to the Committee on Indian Affairs.

## Wednesday, January 15th 1840.

On motion by Mr. Sevier,

Ordered, That the message, treaty with the New York Indians, and documents relating thereto, received and referred to the Committee on Indian Affairs the 14th instant, be printed in confidence for the use of the Senate.

## Tuesday, January 21st 1840.

The following message was received from the President of the United States, by Mr. Abraham VanBuren, his Secretary:

To the Senate of the United States.

I transmit to the Senate, in compliance with the request of the Governor of Massachusetts, a copy of a letter addressed to him by one of the chiefs of the Seneca tribe of Indians in the State of New York, written on behalf of that portion of the tribe opposed to the treaty of Buffalo.-

M. VanBuren.

Washington, January 21st 1840.

The message was read

On motion by Mr. Sevier,

Ordered, That the message transmitting a letter from the Governor of Massachusetts, with a communication from the chiefs of the Seneca tribe of Indians opposed to the treaty of Buffalo, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

## Monday, February 10th 1840.

Mr Sevier presented sundry documents, received from the War Department, being memorials, from the Society of Friends, from the Tuscarora Indians, from sundry individuals of the Senecas, and affidavits of persons residing in the State of New-York; he also presented memorials from sundry residents of the County of Cataraugus and of the western part of New-York; all adverse to the ratification of the treaty with the New York Indians, now before the Senate.

Mr Sevier also presented a communication from a number of persons resident at Buffalo, in the State of New-York, directed to the Honorable Millard Fillmore, of the House of Representatives, and two affidavits received from B. T. Strong, in favor of the ratification of the said treaty.

Mr Wright presented a communication from a number of citizens of Buffalo, urging the ratification of the said treaty.

Ordered, That the said papers relating to the Treaty with the New-York Indians, be referred to the committee on Indian affairs and printed in confidence for the use of the Senate.

## Thursday, March 5th 1840.

Mr Sevier, from the committee on Indian affairs to whom was referred on the 14th of January last, the treaty with the New-York Indians, reported the same to the Senate with the following resolution:

Resolved, That the Senate do not advise and consent to the ratification of the treaty made and concluded

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at Buffalo creek, in the State of New-York, the 15th day of January, in the year of our Lord 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the Chiefs, Headmen and Warriors of the several tribes of New York Indians, assembled in Council; the amendments proposed to the said treaty by the Resolution of the Senate of the 11th of June, 1838, not having been assented to by the said Indians according to the terms of the said resolution.

## Tuesday, March 10th 1840.

The Senate, as in committee of the whole, proceeded to consider the Treaty with the New-York Indians, together with the resolution reported by the committee on Indian Affairs.

Mr Tallmadge submitted the following motion for consideration:

That the resolution reported by the committee on Indian Affairs, on the 5th instant, be amended by striking out the same after the word "Resolved", and inserting the following in lieu thereof:

That, in the opinion of the Senate, the amendments proposed by a resolution of the Senate of the 11th of June 1838, to the treaty made and concluded at Buffalo creek, in the State of New-York, the 15th day of January, in the year of our Lord 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, Headmen and warriors, of the several tribes of New-York Indians, assembled in council, have been assented to by said Indians according to the terms of said Resolution.

## Wednesday, March 18th 1840.

The Senate, as in committee of the whole, resumed the consideration of the treaty with the New-York Indians, together with the resolution reported from the committee on Indian Affairs on the 5th instant, and the amendment thereto submitted by Mr Tallmadge on the 10th instant.

Mr Phelps submitted the following proposition:

That the resolution submitted by Mr Tallmadge on the 10th instant, be amended, by inserting after the word "Resolved", the words *two thirds of the Senators present concurring*.

After debate,

On motion by Mr Sevier,

The Senate adjourned.

## Thursday, March 19th 1840.

The Senate, as in committee of the whole, resumed the consideration of the Treaty with the New-York Indians, and the resolution with the amendments proposed thereto; and after debate,

On motion by Mr Tallmadge,

The Senate adjourned.

## Friday March 20th 1840

The Senate, as in committee of the whole, resumed the consideration of the Treaty with the New-York Indians, and the resolution with the amendments proposed thereto; and after debate,

On motion by Mr Tallmadge,

The Senate adjourned.

## Monday, March 23d 1840.

Mr. Sevier presented a memorial from Seneca White and sixty seven others as Head chiefs, Sachems, and chiefs of the Seneca Nation of Indians, remonstrating against an appropriation to carry into effect the treaty with the New York Indians now pending, stating that the Senecas would derive no benefit therefrom, denying ownership in any lands in Wisconsin territory, and declaring their intention not to leave their lands in New York.

The memorial was read, and

On motion by Mr. Sevier,

Ordered, That it be printed in confidence for the use of the Senate.

The Senate, as in committee of the whole, resumed the consideration of the treaty with the New-York Indians, and the resolution with the amendments proposed thereto; and after debate,

On Motion by Mr. Wright,

The Senate adjourned.

## Tuesday, March 24th 1840.

Mr. Tallmadge presented the affidavits of Zebulon Ferris and nine other individuals, residing in the State of New-York, representing that unfair and improper means had been used in exciting opposition to the treaty with the New-York Indians.

On motion by Mr. Tallmadge,

Ordered, That the said affidavits be printed in confidence for the use of the Senate.

The Senate, as in committee of the whole, resumed the consideration of the treaty with the New-York Indians, and the resolution with the amendments proposed thereto; and after debate,

Mr. Phelps, by unanimous consent, withdrew the amendment submitted by him on the 18th instant.

Mr. Clay, of Kentucky, submitted the following motion for consideration:

That the amendment submitted by Mr. Tallmadge on the 10th instant, to the resolution reported from the committee on Indian Affairs on the 5th instant, be amended by striking out all following the word "That," and inserting –

the amended Treaty of the 15th of January, 1838, with the Six nations of New-York Indians, be respectfully returned to the President, the Senate being of opinion that the question whether the amendments required to the Treaty by the resolution of ratification of the 11th day of June, 1838, is a question which was referred to the exclusive decision of the President, and on which the Senate is not constitutionally required to act.

On the question to agree thereto,

It was determined in the negative, Yeas 9, Nays 28.

On motion by Mr. Clay, of Kentucky,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are:

Messrs. Clay, of Kentucky,
Clayton,
Dixon,
Merrick,
Porter,

Messrs. Prentiss,
Preston,
Ruggles,
Southard,

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Those who voted in the negative are:

Meſsrs. Allen,
Anderson,
Benton,
Brown,
Calhoun,
Clay, of Alabama,
Fulton,
Grundy,
Henderson,
Hubbard
King,
Linn
Lumpkin
Nicholas

Meſsrs. Norvell,
Phelps,
Roane,
Robinson
Sevier
Smith, of Indiana
Strange
Sturgeon
Tallmadge
Tappan
White
Williams
Wright
Young.

The question then recurred, on agreeing to the amendment submitted by Mr. Tallmadge on the 10th instant.

It was determined in the negative, Yeas 18, Nays 19.

On motion by Mr. Tallmadge,

The yeas and nays being desired by one fifth of the senators present:

Those who voted in the affirmative are:

Meſsrs Allen,
Benton,
Dixon
Grundy
Henderson
Hubbard
Lumpkin
Merrick,
Norvell

Meſsrs. Preston,
Robinson,
Ruggles
Smith, of Indiana.
Sturgeon
Tallmadge
Tappan.
Wright
Young.

Those who voted in the negative are.

Meſsrs. Anderson.
Brown.
Calhoun
Clay, of Alabama.
Clay, of Kentucky.
Clayton.
Fulton
King.
Linn
Nicholas.

Meſsrs. Phelps
Porter
Prentiſs
Roane
Sevier
Southard
Strange
White
Williams.

Mr Porter submitted the following motion for consideration:

That the resolution reported from the committee on Indian Affairs on the 5th instant, be amended by striking out the whole thereof after the word "Resolved," and inserting

That the amended Treaty of the 15th of January, 1838, with the Six Nations of New York Indians be respectfully returned to the President, the Senate being of opinion that the question whether the amendments required to the Treaty by the resolution of ratification of the 11th day of June 1838, is a question which was referred to the exclusive decision of the President, and on which the Senate is not constitutionally required to act; but, that while the Senate does not feel called on to exercise its constitutional treaty-making power in the premises, it is nevertheleſs of opinion that the said resolution of the 11th June 1838, ought not to be so construed as to require the signatures of the several chiefs to be given to said amendments in open Council.

On the question to agree thereto?

It was determined in the negative Yeas 13, Nays 23.

On motion by Mr. Hubbard.

The yeas and nays being desired by one fifth of the Senators present,

Those who voted in the affirmative are.

Messrs. Allen.
Benton.
Grundy.
Henderson.
Hubbard.
Porter
Robinson

Messrs. Ruggles.
Smith, of Indiana
Tallmadge
Tappan.
Wright
Young.

Those who voted in the negative are -

Messrs. Anderson.
Brown
Calhoun.
Clay, of Alabama
Clay, of Kentucky.
Clayton.
Dixon
Fulton.
King.
Linn
Lumpkin
Merrick.

Messrs. Nicholas.
Norvell.
Phelps.
Prentiss
Roane.
Sevier.
Southard.
Strange
Sturgeon
White
Williams.

Mr. Tallmadge submitted the following motion for consideration:

That the resolution reported from the committee on Indian Affairs on the 5th instant, be amended by striking out the whole thereof after the word "Resolved," and inserting -

as the sense of the Senate, that after the amended Treaty with the New-York Indians had been submitted and explained by a commiſsioner of the United States to each of the tribes separately aſsembled in council, the aſsent thereto of chiefs freely and voluntarily given before such commiſsion was a due compliance with the intent and meaning of the resolution of the Senate of the 11th June, 1838. -

On the question to agree thereto?

It was determined in the Negative, Yeas 16, Nays 20.

On motion by Mr Sevier,

The yeas and nays being desired by one fifth of the Senators present -

Those who voted in the affirmative are -

Meſsrs. Allen.
Benton.
Grundy.
Hubbard
Lumpkin
Merrick.
Norvell.
Porter.

Meſsrs. Robinson
Ruggles.
Smith, of Indiana
Sturgeon
Tallmadge
Tappan.
Wright.
Young.

Those who voted in the negative are.

Meſsrs. Anderson.
Brown.
Calhoun
Clay, of Alabama.
Clay, of Kentucky.
Clayton.
Dixon.

Meſsrs. Fulton.
Henderson.
King.
Linn.
Nicholas.
Phelps.
Prentiſs.

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Meſsrs. Roane, Meſsrs. Strange
Sevier, White
Southard, Williams.

On motion by Mr. Tallmadge
The Senate adjourned.

## Wednesday, March 25th 1840.

The Senate, as in committee of the whole, resumed the consideration of the treaty with the New York Indians, together with resolution reported from the committee on Indian Affairs;

Mr. Henderson submitted the following motion for consideration:

That the resolution reported by the committee on Indian Affairs on the 5th instant, be amended by striking out all after the word "Resolved", and inserting

That in the opinion of the Senate, the Treaty between the United States and the six nations of New York Indians together with the amendments proposed by the Senate of the 11th of June 1838, have been satisfactorily acceded to and approved of by said tribes, the Seneca tribe included; and that in the opinion of the Senate the President is authorized to proclaim the Treaty as in full force and operation.

To which Mr. Porter proposed the following amendment, viz: to strike out all after the word "That", where it first occurs, and insert—

in the opinion of the Senate the resolutions of the 11th June, 1838, relative to the amendments proposed to the Treaty with the several tribes of the Six nations of New York Indians concluded at Buffalo on the 15th

January, 1838, ought not to be so construed as to require the signatures and seals of the Chiefs to be affixed to the said amendments in open council, in order to make their aſsent thereto valid, provided it shall appear that the amendments have been fully explained to them in open council agreeably to the true intent and meaning of the said resolution. And, after debate

On the question to agree to the amendment proposed by Mr. Porter?

It was determined in the negative, Yeas 7. Nays 28.

On motion by Mr. Sevier,

The yeas and nays being desired by one fifth of the Senators present,

Those who voted in the affirmative are

Meſsrs. Benton,
Hubbard,
Norvell,
Porter,

Meſsrs. Preston,
Ruggles,
Smith, of Indiana.

Those who voted in the negative are—

Meſsrs Allen.
Anderson.
Calhoun
Clay, of Alabama.
Clay, of Kentucky.
Clayton.
Crittenden
Dixon.
Fulton.
Grundy.
Henderson.
King.

Meſsrs. Linn,
Lumpkin,
Nicholas
Phelps.
Prentiſs
Roane.
Robinson.
Sevier.
Strange
Sturgeon
Tallmadge
Tappan.

Meſsrs. White.
Williams

Meſsrs. Wright
Young.

Mr. Phelps then proposed to amend the amendment submitted by Mr. Henderson, by inserting at the beginning thereof, the words – two-thirds of the Senators present concurring

On the question to agree thereto?

It was determined in the negative, Yeas 18, Nays 18.

On motion by Mr. Sevier,

The yeas and nays being desired by one fifth of the Senators present,

Those who voted in the affirmative are,

Meſsrs. Brown
Calhoun
Clay, of Alabama.
Clay, of Kentucky.
Clayton
Crittenden
Dixon
Fulton.
King

Meſsrs. Linn.
Nicholas.
Phelps.
Prentiſs
Roane.
Sevier
Southard
Strange
Williams.

Those who voted in the negative are

Meſsrs. Allen.
Benton.
Grundy
Henderson.
Hubbard.
Lumpkin.
Norvell.
Porter.
Preston.

Meſsrs. Robinson
Ruggles.
Smith, of Indiana,
Sturgeon
Tallmadge
Tappan.
White
Wright
Young.

The Senate being equally divided,
The Vice President voted in the negative.

The question then recurred on agreeing to the amendment submitted by Mr. Henderson.

And it was determined in the affirmative, Yeas 19, Nays 19.

On motion by Mr. Sevier,

The yeas and nays being desired by one fifth of the Senators present,

Those who voted in the affirmative are—

Meſsrs. Allen.
Benton.
Dixon
Grundy.
Henderson
Hubbard
Lumpkin.
Merrick.
Norvell.

Meſsrs. Porter.
Preston.
Robinson.
Ruggles.
Smith, of Indiana.
Sturgeon.
Tallmadge
Tappan
Wright.
Young.

Those who voted in the negative are

Meſsrs. Anderson.
Brown.
Calhoun.
Clay. of Alabama.
Clay. of Kentucky.
Clayton.
Crittenden
Fulton.
King.
Linn

Meſsrs. Nicholas
Phelps.
Prentiſs
Roane.
Sevier
Southard
Strange
White
Williams.

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The Senate being equally divided.

The Vice President voted in the affirmative.

No further amendment having been made to the resolution, the Treaty, with the resolution so amended, was reported to the Senate; and

On the question to agree to the resolution reported by the committee on Indian Affairs thus amended.

It was determined in the affirmative, Yeas 19. Nays 19.

On motion by Mr. Sevier.

The yeas and nays being desired by one fifth of the Senators present.

Those who voted in the affirmative are.

Messrs. Allen.
Benton.
Dixon.
Grundy
Henderson.
Hubbard.
Lumpkin
Merrick.
Norvell
Porter,

Messrs. Preston,
Robinson,
Ruggles.
Smith, of Indiana.
Sturgeon,
Tallmadge
Tappan.
Wright
Young.

Those who voted in the negative are

Messrs. Anderson.
Brown
Calhoun.
Clay, of Alabama
Clay, of Kentucky
Clayton.

Messrs. Crittenden
Fulton,
King,
Linn
Nicholas
Phelps.

Messrs. Prentiss,
Roane,
Sevier,
Southard.

Messrs. Strange
White
Williams.

The Senate being equally divided
The Vice President voted in the affirmative.
So it was.

Resolved, That, in the opinion of the Senate, the Treaty between the United States and the Six Nations of New-York Indians together with the amendments proposed by the Senate of the 11th of June 1838, have been satisfactorily acceded to and approved of by said tribes, the Seneca tribe included; and that in the opinion of the Senate the President is authorized to proclaim the Treaty as in full force and operation.

Ordered, That the Secretary lay the said resolution before the President of the United States.

On motion by Mr. Clay, of Alabama,
The Senate adjourned.

## Thursday, March 26th 1840.

On motion by Mr. Sevier,

That the injunction of secrecy be removed from the proceedings of the Senate and the documents connected with and relating to the Treaty with the New-York Indians.

Mr. Norvell moved to amend the same by inserting after the word "Senate" the words *the debates*; and, after debates; the said motion was agreed to.

~~Mr. Wright, by unanimous consent, withdrew his motion to amend.~~

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~~Whereupon,~~

~~Mr. Norvell renewed the said motion to amend, and it was agreed to.~~

The motion of Mr. Sevier, thus amended, having been agreed to, it was

Ordered, That the injunction of secrecy be removed from the proceedings of the Senate, the debates, and the documents connected with and relating to the Treaty with the New York Indians.

Attest,

Asbury Dickins

Secretary

# TREATY

BETWEEN

# THE UNITED STATES OF AMERICA

AND

# *THE SIX NATIONS OF NEW YORK INDIANS.*

CONCLUDED JANUARY 15TH 1838,

AS AMENDED BY THE SENATE JUNE ~~21st~~ 11th, 1838.

RATIFIED APRIL 4th, 1840.

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# MARTIN VAN BUREN,

## PRESIDENT OF THE UNITED STATES OF AMERICA.

**To all and singular to whom these presents shall come, Greeting:**

Whereas, a Treaty was made and concluded at Buffalo, in the State of New York, on the fifteenth day of January, one thousand eight hundred and thirty-eight, by Ransom H. Gillet, a Commissioner on the part of the United States, and the Chiefs, Headmen and Warriors of the several Tribes of New York Indians, assembled in council.

And whereas, the Senate did, by a Resolution of the eleventh of June, one thousand eight hundred and thirty-eight, advise and consent to the ratification of said treaty with certain amendments; which treaty so amended, is word for word as follows, to wit:

## TREATY WITH THE NEW YORK INDIANS

*As amended by the Senate and assented to by the several tribes 1838.*

Treaty with the New York Indians, as amended by the Senate of the United States, June 11th 1838.

*Articles of a Treaty made and concluded at Buffalo Creek in the State of New York, the fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen and warriors of the several tribes of New York Indians assembled in council witnesseth:*

Whereas, the Six Nations of New York Indians, not long after the close of the war of the Revolution, became convinced from the rapid increase of the white settlements around, that the time was not far distant when their true interest must lead them to seek a new home among their red brethren in the West: And whereas this subject was agitated in a general council of the Six Nations as early as one thousand eight hundred and ten, and resulted in sending a memorial to the President of the United States, inquiring whether the Government would consent to their leaving their habitations and their removing into the neighborhood of their western brethren, and if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it; and further, whether the existing treaties would, in such a case remain in full force, and their annuities be paid as heretofore: And whereas, with the approbation of the President of the United States, purchases were made by the New York Indians from the Menomonie and Winnebago Indians of certain lands at Green Bay in the Territory of Wisconsin, which after much difficulty and contention with those Indians concerning the extent of that purchase, the whole subject was finally settled, by a treaty between the United States and the Menomonie Indians, concluded in February, one thousand eight hundred and thirty-one, to which the New York Indians gave their assent on the seventeenth day of October, one thousand eight hundred and thirty-two: And whereas, by the provisions of that treaty, five hundred thousand acres of land are secured to the New York Indians of the Six Nations and the St. Regis tribe, as a future home, on condition that they all remove to the same, within three years, or such reasonable time as the President should prescribe: And whereas, the President is satisfied that various considerations have prevented those still residing in New York from removing to Green Bay, and among other reasons, that many who were in favor of emigration, preferred to remove at once to the Indian territory, which they were fully persuaded, was the only permanent and peaceable home for all the Indians. And they therefore applied to the President to take their Green Bay lands, and provide them a new home among their brethren in the Indian territory: And whereas, the President being anxious to promote the peace, prosperity and happiness of his red children, and being determined to carry out the humane policy of the Government in removing the Indians from the east to the west of the Mississippi, within the Indian territory, by bringing them to see and feel, by his justice and liberality, that it is their true policy and for their interest to do so without delay:

Therefore, taking into consideration the foregoing premises, the following articles of a treaty are entered into between the United States of America and the several tribes of the New York Indians, the names of whose chiefs, headmen and warriors are hereto subscribed, and those who may hereafter give their assent to this treaty in writing, within such time as the President shall appoint:

*General Provisions.*

ARTICLE 1. The several tribes of the New York Indians, the names of whose chiefs, headmen, warriors and representatives are hereunto annexed, in consideration of the premises above recited, and the covenants hereinafter contained, to be performed on the part of the United States, hereby cede and relinquish to the United States all their right, title and interest to the lands secured to them at Green Bay by the Menomonie treaty of one thousand eight hundred and thirty-one, excepting the following tract, on which a part of the New York Indians now reside: beginning at the southwesterly corner of the French grants at Green Bay, and running thence southwardly to a point on a line to be run from the Little Cocaclin, parallel to a line of the French grants and six miles from Fox river; from thence on said parallel line, northwardly six miles; from thence eastwardly to a point on the northeast line of the Indian lands, and being at right angles to the same.

ARTICLE 2. In consideration of the above cession and relinquishment, on the part of the tribes of the New York Indians, and in order to manifest the deep interest of the United States in the future peace and prosperity of the New York Indians, the United States agree to set apart the following tract of country, situated directly west of the State of Missouri, as a permanent home for all the New York Indians, now residing in the State of New York, or in Wisconsin, or elsewhere in the United States, who have no permanent homes, which said country is described as follows, to wit: Beginning on the west line of the State of Missouri, at the northeast corner of the Cherokee tract, and running thence north along the west line of the State of Missouri twenty-seven miles to the southerly line of the Miami lands; thence west so far as shall be necessary, by running a line at right angles, and parallel to the west line aforesaid, to the Osage lands, and thence easterly along the Osage and Cherokee lands to the place of beginning, to include one million eight hundred and twenty-four thousand acres of land, being three hundred and twenty acres for each soul of said Indians as their numbers are at present computed: To have and to hold the same in fee simple to the said tribes or nations of Indians, by patent from the President of the United States, issued in conformity with the provisions of the third section of the act, entitled "An act to provide for an exchange of lands, with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," approved on the twenty-eighth day of May eighteen hundred and thirty, with full power and authority in the said Indians to divide said lands among the different tribes, nations, or bands, in severalty, with the right to sell and convey to and from each other, under such laws and regulations as may be adopted by the respective tribes, acting by themselves, or by a general council of the said New York Indians, acting for all the tribes collectively. It is understood and agreed that the above described country is intended as a future home for the following tribes, to wit: The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns residing in the State of New York, and the same is to be divided equally among them, according to their respective numbers, as mentioned in a schedule hereto annexed.

ARTICLE 3. It is further agreed that such of the tribes of the New York Indians as do not accept and agree to remove to the country set apart for their new homes within five years, or such other time as the President may, from time to time, appoint, shall forfeit all interest in the lands so set apart, to the United States.

ARTICLE 4. Perpetual peace and friendship shall exist between the United States and the New York Indians; and the United States hereby guaranty to protect and defend them in the peaceable possession and enjoyment of their new homes, and hereby secure to them, in said country, the right to establish their own form of government, appoint their own officers, and administer their own laws; subject, however, to the legislation of the Congress of the United States, regulating trade and intercourse with the Indians. The lands secured to them by patent under this treaty shall never be included in any State or Territory of this Union. The said Indians shall also be entitled, in all respects, to the same political and civil rights and privileges, that are granted and secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory.

ARTICLE 5. The Oneidas are to have their lands in the Indian Territory, in the tract set apart for the New York Indians, adjoining the Osage tract, and that hereinafter set apart for the Senecas; and the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tribes, whose lands are not specially designated in this treaty, are to have such as shall be set apart by the President.

ARTICLE 6. It is further agreed that the United States will pay to those who remove west, at their new homes, all such annuities, as shall properly belong to them. The schedules hereunto annexed shall be deemed and taken as a part of this treaty.

ARTICLE 7. It is expressly understood and agreed, that this treaty must be approved by the President and ratified and confirmed by the Senate of the United States, before it shall be binding upon the parties to it. It is further expressly understood and agreed, that the rejection, by the President and Senate, of the provisions thereof, applicable to one tribe, or distinct branch of a tribe, shall not be construed to invalidate as to others, but as to them it shall be binding, and remain in full force and effect.

ARTICLE 8. It is stipulated and agreed that the accounts of the Commissioner, and expenses incurred by him in holding a council with the New York Indians, and concluding treaties at Green Bay and Duck Creek, in Wisconsin, and in the State of New York, in 1836, and those for the exploring party of the New York Indians, in 1837, and also the expenses of the present treaty, shall be allowed and settled according to former precedents.

*Special provisions for the St. Regis.*

ARTICLE 9. It is agreed with the American party of the St. Regis Indians, that the United States will pay to the said tribe, on their removal west, or at such time as the President shall appoint, the sum of five

thousand dollars, as a remuneration for moneys laid out by the said tribe, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands, and in removal to the same, the same to be apportioned out to the several claimants by the chiefs of the said party and a United States Commissioner, as may be deemed by them equitable and just. It is further agreed, that the following reservation of land shall be made to the Rev. Eleazer Williams, of said tribe, which he claims in his own right, and in that of his wife, which he is to hold in fee simple, by patent from the President, with full power and authority to sell and dispose of the same, to wit: Beginning at a point in the west bank of Fox river thirteen chains above the old mill dam at the rapids of the Little Kockalin; thence north fifty-two degrees and thirty minutes west, two hundred and forty chains; thence north thirty-seven degrees and thirty minutes east, two hundred chains; thence south fifty-two degrees and thirty minutes east, two hundred and forty chains to the bank of Fox river; thence up along the bank of Fox river to the place of beginning.

*Special provisions for the Senecas.*

ARTICLE 10. It is agreed with the Senecas that they shall have for themselves and their friends, the Cayugas and Onondagas, residing among them, the easterly part of the tract set apart for the New York Indians, and to extend so far west, as to include one half section (three hundred and twenty acres) of land for each soul of the Senecas, Cayugas and Onondagas, residing among them; and if, on removing west, they find there is not sufficient timber on this tract for their use, then the President shall add thereto timber land sufficient for their accommodation, and they agree to remove to remove from the State of New York to their new homes within five years, and to continue to reside there. And whereas at the making of this treaty, Thomas L. Ogden and Joseph Fellows the assignees of the State of Massachusetts, have purchased of the Seneca nation of Indians, in the presence and with the approbation of the United States Commissioner, appointed by the United States to hold said treaty, or convention, all the right, title, interest, and claim of the said Seneca nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed; and whereas the consideration money mentioned in said deed, amounting to two hundred and two thousand dollars, belongs to the Seneca nation, and the said nation agrees that the said sum of money shall be paid to the United States, and the United States agree to receive the same, to be disposed of as follows: The sum of one hundred thousand dollars is to be invested by the President of the United States in safe stocks, for their use, the income of which is to be paid to them at their new homes, annually; and the balance, being the sum of one hundred and two thousand dollars, is to be paid to the owners of the improvements on the lands so deeded, according to an appraisement of said improvements, and a distribution and award of said sum of money among the owners of said improvements, to be made by appraisers, hereafter to be appointed by the Seneca nation, in the presence of the United States Commissioner, hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same, according to said appraisal and award, on their severally relinquishing their respective possessions to the said Ogden and Fellows.

*Special provisions for the Cayugas.*

ARTICLE 11. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand dollars, and will invest the same in some safe stocks, the income of which shall be paid them annually, at their new homes. The United States further agree to pay to the said nation, on their removal west, two thousand five hundred dollars, to be disposed of as the chiefs shall deem just and equitable.

*Special provisions for the Onondagas residing on the Seneca reservations.*

ARTICLE 12. The United States agree to set apart for the Onondagas, residing on the Seneca reservations, two thousand five hundred dollars, on their removing west, and to invest the same, in safe stocks, the income of which shall be paid to them annually at their new homes. And the United States further agree to pay to the said Onondagas, on their removal to their new homes in the west, two thousand dollars, to be disposed of as the chiefs shall deem equitable and just.

*Special provisions for the Oneidas residing in the State of New York.*

ARTICLE 13. The United States will pay the sum of four thousand dollars, to be paid to Baptista Powlis, and the chiefs of the first Christian party residing at Oneida, and the sum of two thousand dollars shall be paid to William Day, and the chiefs of the Orchard party residing there, for expenses incurred and services rendered in securing the Green Bay country, and the settlement of a portion thereof, and they hereby agree to remove to their new homes in the Indian territory, as soon as they can make satisfactory arrangements with the Governor of the State of New York for the purchase of their lands at Oneida.

*Special provisions for the Tuscaroras.*

ARTICLE 14. The Tuscarora nation agree to accept the country set apart for them in the Indian territory and to remove there within five years, and to continue to reside there. It is further agreed that the Tuscaroras shall have their lands in the Indian country, at the forks of the Neosha river; which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the nation. But if on examination they are not satisfied with this location, they are to have their lands at such place as the President of the United States shall designate. The United States will pay to the Tuscarora nation, on their settling at the west, three thousand dollars, to be disposed of, as the chiefs shall deem most equitable and just. Whereas the said nation owns, in fee simple, five thousand acres of land, lying in Niagara county, in the State of New York which was conveyed to the nation by Henry Dearborn and they wish to sell and convey the same before they remove west: Now therefore, in order to have the same done in a legal and proper way, they hereby convey the same to the United States and to be held in trust for them, and they authorize the President to sell and convey the same, and the money which shall be received for the said lands, exclusive of the improvements, the

President shall invest in safe stocks for their benefit, the income from which shall be paid to the nation, at their new homes, annually; and the money which shall be received for improvements on said lands shall be paid to the owners of the improvements when the lands are sold. The President shall cause the said lands to be surveyed, and the improvements shall be appraised by such persons as the nation shall appoint; and said lands shall also be appraised, and shall not be sold at a less price than the appraisal, without the consent of James Cusick, William Mountpleasant and William Chew, or the survivor or survivors of them, and the expenses incurred by the United States in relation to this trust are to be deducted from the moneys received before investment.

And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Tuscarora nation of Indians, in the presence and with the approbation of the Commissioner appointed on the part of the United States to hold said treaty or convention, all the right, title, interest, and claim of the Tuscarora nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed: And whereas, the consideration money for said lands has been secured to the said nation to their satisfaction, by Thomas L. Ogden and Joseph Fellows; therefore the United hereby assent to the said sale and conveyance and sanction the same.

**Article 15.** The United States hereby agree that they will appropriate the sum of four hundred thousand dollars, to be applied from time to time, under the direction of the President of the United States, in such proportions, as may be most for the interest of of the said Indians, parties to this treaty, for the following purposes, to wit: To aid them in removing to their homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and in being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals, and farming utensils and acquiring a knowledge of the mechanic arts.

In testimony whereof, the commissioner and the chiefs, headmen and people, whose names are hereto annexed, being duly authorized, have hereunto set their hands, and affixed their respective seals, at the time and place above mentioned.

R. H. GILLET, [L. S.]
*Commissioner*

*Senecas.*

Dao-nepho-gah, or Little Johnson, his x mark [l. s.]
De-ga-o-geas, or Daniel Twoguns, [l. s.]
Gee-odowa-neh, or Captain Pollard, his x mark [l. s.]
Joh-nesh-ha-dih, or James Stevenson, his x mark [l. s.]
Hure-hau-stock, or Capt Strong, his x mark [l. s.]
So-ne-a-ge, or Captain Snow, his x mark [l. s.]
Hau-neh-hoy's-oh, or Blue Eyes, his x mark [l. s.]
Haw-naw-wah-es, or Levi Halftown, his x mark [l. s.]
Goat-hau-oh, or Billy Shanks, his x mark [l. s.]
Hau-sa-nea-nes, or White Seneca, his x mark [l. s.]
Howah-do-goldeh, or George Bennet, his x mark [l. s.]
Hays-tah-jih, or Job Pierce, his x mark [l. s.]
Sho-nan-do-wah, or John Gordon, his x mark [l. s.]
Noh-sok-dah, or Jim Jonas, his x mark [l. s.]
Shaw-neh-dik, or William Johnson, his x mark [l. s.]
Gaw-neh-do-au-ok, or Reuben Pierce, his x mark [l. s.]
Shaw-go-nes-goh-sha-oh, or Morris Halftown, his x mark [l. s.]
Shaw-go-za-sot-hoh, or Jacob Jimeson, his x mark [l. s.]
Gua-wa-no-oh, or George Big Deer, his x mark [l. s.]
Joh-quo-ya-suse, or Samuel Gordon, [l. s.]
Gua-ne-oh-doh, or Thompson S. Harris, [l. s.]
Gau-geh-queh-doh, or George Jimeson, his x mark [l. s.]
Hon-non-de-uh, or Nathaniel T. Strong, [l. s.]
Nuh-joh-gau-eh, or Tall Peter, his x mark [l. s.]
Sho-nauk-ga-nes, or Tommy Jimmy, his x mark [l. s.]
So-joh-gwa-us, or John Tall Chief, his x mark [l. s.]
Shau-gau-nes-es-tip, or George Fox, [l. s.]
Go-na-daw-goyh, or Jabez Stevenson, [l. s.]
Tit-ho-yuh, or William Jones, his x mark [l. s.]
Juncah-dah-gleuer, or George White, by his agent White Seneca, his x mark [l. s.]
Gau-nu-su-goh, or Walter Thompson, by his agent Daniel Twoguns, his x mark [l. s.]
Dau-ga-se, or Long John, his x mark [l. s.]
Gua-sa-we-dah, or John Bark, his x mark [l. s.]
Gua-si-dough, or George Lindsay, [l. s.]
Ho-ma-ga-was, or Jacob Bennet, his x mark [l. s.]
On-di-heh-oh, or John Bennet, his x mark [l. s.]
Nis-ha-nea-nent, or Seneca White, his x mark [l. s.]
Ha-dya-no-doh, or Maris Pierce, [l. s.]
Yoh-dih-doh, or David White, [l. s.]
James Shongo, his x mark [l. s.]
Ka-non-da-gyh, or William Cass, his x mark [l. s.]
Si-ge-jos-a, or Samuel Wilson, his x mark [l. s.]
Jo-on-da-goh, or John Seneca, his x mark [l. s.]

*Tuscaroras.*

Ka-nat-soyh, or Nicholas Cusick, [l. s.]
Sacharissa, or William Chew, [l. s.]
Kaw-we-ah-ka, or William Mt. Pleasant, his x mark [l. s.]
Kaw-re-a-rock-ka, or John Fox, [l. s.]
Gee-me, or James Cusick, [l. s.]
Ju-hu-ru-at-kak, or John Patterson, his x mark [l. s.]
O-tah-guaw-naw-wa, or Samuel Jacobs, [l. s.]
Ka-noh-sa-ta, or James Anthony, his x mark [l. s.]
Gou-ro-quan, or Peter Elm, his x mark [l. s.]
Tu-nak-she-a-han, or Daniel Peter, his x mark [l. s.]

*Oneidas residing in the State of New York, for themselves and their parties.*

Baptiste Powlis, his x mark [l. s.]
Jonathan Jordon, his x mark [l. s.]

*Oneidas at Green Bay.*

John Anthony, his x mark [l. s.]
Honjost Smith, his x mark [l. s.]
Henry Jordon, his x mark [l. s.]
Thomas King, his x mark [l. s.]

*St Regis.*

Eleazer Williams, chief and agent, [l. s.]

*Oneidas residing on the Seneca reservation.*

Hon-no-ne-ga-doh, or Silversmith, his x mark [l. s.]
*For himself and in behalf of his nation.*
Hoge-wayhtah, or William Jacket, his x mark [l. s.]
Sah-hu-gae-ne, or Button George, his x mark [l. s.]

*Principal Onondago warriors, in behalf of themselves and the Onondago warriors.*

Ka-noh-qua-sa, or William John, his x mark [l. s.]
Dah-gu-o-a-dah, or Noah Silversmith, his x mark [l. s.]

*Cayugas.*

Skok-no-eh, or William King, his x mark [l. s.]
Geh-da-or-loh, or James Young, [l. s.]

Gay-on-wek, or Jack Wheelbarrow, his x mark [l. s.]
D'yo-ya-teh, or Joseph Isaac, his x mark [l. s.]
*For themselves and in behalf of the nation.*

*Principal Cayuga warriors, in behalf of themselves and the Cayuga warriors.*

Hah-oh-u, or John Crow, his x mark [l. s.]
Ho-na-e-gah-dah, or Snow Darkness, his x mark [l. s.]
Gone-ah-ga-u-do, or Jacob G. Seneca, [l. s.]
Di-i-en-use, or Ghastly Darkness, his x mark [l. s.]
Hon-ho-gah-dyuk, or Thomas Crow, his x mark [l. s.]
Wau-wah-wa-na-onk, or Peter Wilson, [l. s.]
So-en-dagh, or Jonathan White, his x mark [l. s.]
Sago-gan-e-on-gwus, or Harvey Rowe, his x mark [l. s.]
To-ga-ne-ah-doh, or David Crow, his x mark [l. s.]
Sah-win-dah-neh, or George Wheeler, [l. s.]
Do-goh-no-do-nis, or Simon Isaac, his x mark [l. s.]
He-dai-sos, or Joseph Peter, his x mark [l. s.]
Sa-go-di-get-ka, or Jacob Jackson, his x mark [l. s.]

Witnesses:
James Stryker, *Sub-agent Six Nations, New York Indians.*
Nathaniel T. Strong, *United States Interpreter, N. Y. Agency.*
H. B. Potter,
Orlando Allen,
H. P. Wilcox,
Charles H. Allen,
Horatio Jones,
Spencer H. Cone,
W. W. Jones,
J. F. Schermerhorn,
Josiah Trowbridge.

## SCHEDULE A.

CENSUS OF THE NEW YORK INDIANS AS TAKEN IN 1837.

*Number residing on the Seneca reservation.*

| | |
|---|---|
| Senecas, | 2,309 |
| Onondagas, | 194 |
| Cayugas, | 130 |
| | 2,633 |

| | |
|---|---|
| Onondagas, at Onondaga, | 300 |
| Tuscaroras | 273 |
| St. Regis, in New York, | 350 |
| Oneidas, at Green Bay, | 600 |
| Oneidas, in New York | 620 |
| Stockbridges, | 217 |
| Munsees, | 132 |
| Brothertowns, | 360 |

The above was made before the execution of the treaty.
R. H. GILLET, Commissioner.

## SCHEDULE B.

The following is the disposition agreed to be made of the sum of three thousand dollars provided in this treaty for the Tuscaroras, by the chiefs, and assented to by the commissioner, and is to form a part of the treaty:

To Jonathan Printess, ninety-three dollars.
To William Chew, one hundred and fifteen dollars.
To John Patterson, forty-six dollars.
To William Mountpleasant, one hundred and seventy-one dollars.
To James Cusick, one hundred and twenty-five dollars.
To David Peter, fifty dollars.
The rest and residue thereof, is to be paid to the nation.

The above was agreed to before the execution of the treaty. R. H. GILLET, Commissioner

## SCHEDULE C.

Schedule applicable to the Onondagas and Cayugas residing on the Seneca reservations. It is agreed that the following disposition shall be made of the amount set apart to be divided by the chiefs of those nations, in the preceding parts of this treaty, any thing therein to the contrary notwithstanding.

To William King, one thousand five hundred dollars.
Joseph Isaacs seven hundred dollars.
Jack Wheelbarrow three hundred dollars.
Silversmith one thousand dollars.
William Jacket, five hundred dollars.
Button George, five hundred dollars.

The above was agreed to before the treaty was finally executed. R. H. GILLET, Commissioner.

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At a treaty held under the authority of the United States of America, at Buffalo Creek in the county of Erie, and State of New York, between the chiefs and headmen of the Seneca nation of Indians, duly assembled in council, and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden, of the city of New York and Joseph Fellows of Geneva, in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said Indians in and to the lands within the State of New York remaining in their occupation: Ransom H. Gillet, esquire, a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, esquire, the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said chiefs and headmen, on behalf of the Seneca nation, did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase all the right, title and claim of the said Seneca nation of, in and to the several tracts, pieces, or parcels of land mentioned, and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration, or purchase money for such sale and release; which instrument being read and explained to the said parties and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

This indenture, made this fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, between the chiefs and headmen of the Seneca nation of Indians, duly assembled in council, and acting for and on behalf of the said Seneca nation, of the first part, and Thomas Ludlow Ogden, of the city of New York and Joseph Fellows, of Geneva, in the county of Ontario, of the second part witnesseth: That the said chiefs and headmen of the Seneca nation of Indians in consideration of the sum of two hundred and two thousand dollars to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released and confirmed, and by these presents do grant, bargain, sell, release and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that certain tract, or parcel of land, situate, lying and being in the county of Erie and State of New York commonly called and known by the name of Buffalo Creek reservation, containing, by estimation forty-nine thousand nine hundred and twenty acres be the contents thereof more or less. Also, all that certain other tract, or parcel of land, situate, lying and being in the counties of Erie, Chatauque, and Cattaraugus in said State commonly called and known by the name of Cattaraugus reservation, containing by estimation twenty-one thousand six hundred and eighty acres, be the contents thereof more, or less. Also, all that certain other tract or parcel of, land, situate, lying and being in the said county of Cattaraugus, in said State, commonly called and known by the name of the Allegany reservation, containing by estimation thirty thousand four hundred and sixty-nine acres, be the contents more or less. And also, all that certain other tract or parcel of land, situate, lying and being partly in the said county of Erie and partly in the county of Genesee, in said State, commonly called and known by the name of the Tonawanda reservation, and containing by estimation twelve thousand eight hundred acres, be the same more or less, as which said several tracts of land have been heretofore reserved and are held and occupied by the said Seneca nation of Indians, or by individuals thereof, together with all and singular the rights, privileges, hereditaments and appurtenances to each and every of the said tracts or parcels of land belonging or appertaining; and all the estate, right, title, interest, claim, and demand of the said party of the first part, and of the said Seneca nation of Indians, of, in, and to the same, and to each and every part and parcel thereof: to have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, their heirs and assigns, to their proper use and behoof for ever, as joint tenants, and not as tenants in common.

In witness whereof, the parties to these presents have hereunto and to three other instruments of the same tenor and date one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Seneca nation of Indians, and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals the day and year first above written.

Little Johnson, his x mark (l. s.)
Daniel Two Guns, (l. s.)
Captain Pollard, his x mark (l. s)
James Stevenson, his x mark (l. s.)
Captain Strong, his x mark (l. s.)
Captain Snow, his x mark (l. s.)
Blue Eyes, his x mark (l. s.)
Levi Halftown, his x mark (l. s.)
Billy Shanks, his x mark (l. s.)
White Seneca, his x mark (l. s.)
George Bennet, his x mark (l. s.)
John Pierce, his x mark (l. s)
John Gordon, his x mark (l. s)
Jim Jonas, his x mark (l. s.)
William Johnson, his x mark (l. s.)
Reuben Pierce, his x mark (l. s.)
Morris Halftown, his x mark (l. s.)
Jacob Jimeson, his x mark (l. s)
Samuel Gordon, (l. s.)
Thompson S. Harris, (l. s.)
George Jimison, his x mark (l. s.)
Nathaniel T. Strong, (l. s.)
Tall Peter, his x mark (l. s.)
Tommy Jimmy, his x mark (l. s.)
John Tall Chief, his x mark (l. s.)
George Fox, (l. s.)
Jabez Stevenson, (l. s.)
William Jones, his x mark (l. s.)
George White, his x mark (l. s.)
*By his agent, White Seneca.*
John Snow, his x mark (l. s.)
Walter Thompson, his x mark (l. s.)
*By his agent, Daniel Two Guns.*
Long John, his x mark (l. s.)
John Bark, his x mark (l. s.)
George Lindsey, (l. s.)
Jacob Bennet, his x mark (l. s.)
John Bennet, his x mark (l. s.)
Seneca White, his x mark (l. s.)
Maris B. Pierce, (l. s.)
David White, (l. s.)
James Shongo, his x mark (l. s.)
William Cass, his x mark (l. s.)
Samuel Wilson, his x mark (l. s.)
John Seneca, his x mark (l. s.)

Signed, sealed and delivered in presence of—
James Stryker,
Nathaniel T. Strong, } *Interpreters.*
Spencer H. Cone, }
H. B. Potter,
Charles H. Allen.

At the beforementioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument of writing was agreed to by the contracting parties therein named, and was in my presence, executed by them, and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo Creek, this 15th day of January in the year 1838.

JOSIAH TROWBRIDGE. [L. s]

I have attended a treaty of the Seneca nation of Indians, held at Buffalo Creek, in the county of Erie, in the State of New York, on the fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight when the within instrument was duly executed, in my presence, by the chiefs of the Seneca nation, being fairly and properly understood by them. I do, therefore, certify and approve the same.

R. H. GILLET, *Commissioner.*

At a treaty held under and by the authority of the United States of America, at Buffalo Creek, in the county of Erie, and State of New York, between the sachems, chiefs and warriors of the Tuscarora nation of Indians, duly assembled in council and representing and acting for the said nation, on the one part and Thomas Ludlow Ogden of the city of New York and Joseph Fellows of Geneva in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said nation of Indians in and to the lands within the State of New York, remaining in their occupation: Ransom H. Gillet, Esq., a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esq. the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said sachems, chiefs and warriors, on behalf of the said Tuscarora nation, did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they, the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase all the right, title and claim of the said Tuscarora nation of, in and to the tract, piece, or parcel of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration or purchase money for such sale and release; which instrument being read and explained to the said parties, and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

This indenture, made this fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, between the sachems, chiefs and warriors, of the Tuscarora nation of Indians, duly assembled in council, and acting for and on behalf of the said Tuscarora nation of the first part, and Thomas Ludlow Ogden of the city of New York, and Joseph Fellows of Geneva, in the county of Ontario, of the second part witnesseth: That the said sachems, chiefs and warriors of the Tuscarora nation, in consideration of the sum of nine thousand six hundred dollars, to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold released and confirmed, and by these presents do grant, bargain, sell release and confirm to the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that tract or parcel of land situate, lying and being in the county of Niagara and State of New York commonly called and known by the name of the Tuscarora reservation or Seneca grant, containing nineteen hundred and twenty acres, be the same more, or less, being the lands in their occupancy, and not included in the land conveyed to them by Henry Dearborn, together with all and singular the rights the rights, privileges, hereditaments, and appurtenances, to the said tract or parcel of land belonging or appertaining, and all the estate, right, title, interest, claim and demand of the said party of the first part, and of the said Tuscarora nation of Indians of, in and to the same, and to every part and parcel thereof: To have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, and their heirs and assigns, to their proper use and behoof forever, as joint tenants and not as tenants in common.

In witness whereof, the parties to these presents have hereunto and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Tuscarora nation of Indians and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals, the day and year first above written.

Nicholas Cusick, [l. s.]
William Chew, [l. s.]
William Mountpleasant, [l. s.]
John Fox, his x mark [l. s.]
James Cusick, [l. s.]
John Patterson, his x mark [l. s.]
Samuel Jacobs, [l. s.]
James Anthony, his x mark [l. s.]
Peter Elm, his x mark [l. s.]
Daniel Peter, his x mark [l. s.]

Sealed and delivered in presence of
James Stryker,
R. H. Gillet,
Charles H. Allen,
J. F. Schermerhorn,
Nathaniel T. Strong, *U. S. Interpreter.*
H. B. Potter,
Orlando Allen.

At the abovementioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument was agreed to by the contracting parties therein named, and was, in my presence executed by them; and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo Creek, this 15th day of January in the year 1838.

J. TROWBRIDGE, [L. s.]
*Superintendent.*

I have attended a treaty of the Tuscarora nation of Indians, held at Buffalo Creek, in the county of Erie, in the State of New York, on the fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, when the within instrument was duly executed in my presence, by the sachems, chiefs and warriors of the said nation, being fairly and properly understood and transacted by all the parties of Indians concerned, and declared to be done to their full satisfaction, I do therefore certify and approve the same.

R. H. GILLET, *Commissioner.*

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## SUPPLEMENTAL ARTICLE TO THE TREATY

Concluded at Buffalo Creek, in the State of New York, on the 15th of January 1838 concluded between Ransom H. Gillet, commissioner on the part of the United States, and chiefs and headmen of the St. Regis Indians, concluded on the 13th day of February, 1838.

*Supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, dated January 15 1838.*

The undersigned chiefs and headmen of the St. Regis Indians residing in the State of New York having heard a copy of said treaty read by Ransom H. Gillet, the commissioner who concluded that treaty on the part of the United States, and he having fully and publicly explained the same, and believing the provisions of the said treaty to be very liberal on the part of the United States and calculated to be highly beneficial to the New York Indians, including the St. Regis, who are embraced in its provisions do hereby assent to every part of the said treaty and approve the same. And it is further agreed, that any of the St. Regis Indians who wish to do so, shall be at liberty to remove to the said country at any time hereafter within the time specified in this treaty, but under it the Government shall not compel them to remove. The United States will, within one year after the ratification of this treaty, pay over to the American party of said Indians one thousand dollars, part of the sum of five thousand dollars mentioned in the special provisions for the St. Regis Indians, any thing in the article contained to the contrary notwithstanding.

Done at the council house of St. Regis, this thirteenth day of February in the year of our Lord one thousand eight hundred and thirty-eight. Witness our hands and seals

R. H. GILLET, Commissioner. [l. s.]
Loui-tare-enne, [l. s.]
Louis-tane-totoste, [l. s.]
Michael Gaveault, [l. s.]
Louis-sute-sonate, [l. s.]
Louis-tionoate, [l. s.]
Jok-ta-nen-shi-sa, [l. s.]
Emmor-gua-sien-to [l. s.]
Tomo-tatiste, [l. s.]
Tier-le-gonolasen, [l. s.]
Tier-sokona-ni-saks, [l. s.]

Sa-satis-otsi-toia-ta-gen, [l. s.]
Tier-agane-kor-hapse-e, [l. s.]
Ennisis-anas-ota-ka, [l. s.]
Louis-te-ganota-to-to, [l. s.]
Wise-atia-taronne, [l. s.]
Tomas-outa-goan, [l. s.]
Sose-te-gaomshke, [l. s.]
Louis-otisake-wha, [l. s.]
Sosastis atis-taiaks, [l. s.]
Tier-anasaken-rat, [l. s.]
Louis-tar-otia-ke-hon, [l. s.]
Jasen-karato-on, [l. s.]

The foregoing was executed in our presence:
A. K. Williams, *Agent on the part of New York for St. Regis Indians.*
W. L. Gray, *Interpreter.*
Owen C. Donelly, his x mark.
Say Saree.

We the undersigned chiefs of the Seneca tribe of New York Indians, residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the 11th day of June 1838, and to our contract therewith, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him, to our said tribe, in council assembled.

Dated Buffalo Creek, September 28, 1838.

Captain Pollard, his x mark.
Captain Strong, his x mark.
White Seneca, his x mark.
Blue Eyes, his x mark.
George Bennet, his x mark.
Job Pierce, his x mark.
Tommy Jimmy, his x mark.
William Johnson, his x mark.
Reuben Pierce, his x mark.
Morris Halftown, his x mark.
Levi Halftown, his x mark.
George Big Deer, his x mark.
Jim Jonas, his x mark
George Jimeson, his x mark.
Thomas Jimeson,
George Fox,
N. T. Strong.
Thompson S. Harris.
Saml. Gordon,
Jacob Jimeson, his x mark.
John Gordon, his x mark.
Tall Peter, his x mark.
Billy Shanks, his x mark.
James Stevenson, his x mark.
Walter Thompson, his x mark.
John Bennett, his x mark.
John Seneca, his x mark.
John General, his x mark.
Major Jack Berry, his x mark.
John Tall Chief, his x mark.
Jabez Stevenson.

The above signatures were freely and voluntarily given, after the treaty and amendments had been fully and fairly explained in open council.

R. H. GILLET, *Commissioner.*

Witness:
H. A. S. Dearborn, *Superintendent of Massachusetts.*
James Stryker, *U. S. Agent.*

Little Johnson, his x mark.
Samuel Wilson, his x mark.
John Buck, his x mark.
William Cass, his x mark.
Long John, his x mark.
Sky Carrier, his x mark.
Charles Greybeard, his x mark.
John Hutchison, his x mark.
Charles F. Pierce,
John Snow, his x mark.

These ten chiefs signed in my presence except the last John Snow.

H. A. S. DEARBORN,
*Superintendent of Massachusetts.*

Signed in presence of
Nathl. T. Strong, *U. S. Interpreter.*
James Striker, *U. S. Agent.*

George Kenququide, his x mark.
By his attorneys,
N. T. Strong,
White Seneca, his x mark.

The signature of George Kenququide was added by his attorneys in my presence.

R. H. GILLET,
JAMES STRIKER.

18th January, 1839.

We the undersigned chiefs of the Oneida tribe of New York Indians do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the 11th day of June 1838, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States and fully and fairly explained by him to our said tribe in council assembled. Dated August 9th 1838 at the Oneida council house.

Executed in presence of
Timothy Jenkins.

*First Christian party.*

Baptista Powlis, his x mark.
Anthony Big Knife, his x mark.
Peter Williams, his x mark.
Jacob Powlis, his x mark.
Anthony Anthony, his x mark.
Peter Martin, his x mark.
Cornelius Summer, his x mark.
Isaac Wheelock, his x mark.
Thomas Doxtater, his x mark.
William Hill, his x mark.
Baptiste Denny, his x mark.

*Orchard party.*

Jonathan Jordan, his x mark.
Thomas Scanado, his x mark.
Henry Jordan, his x mark.
William Day, his x mark.

*Second Christian party.*

Abraham Denny,
Adam Thompson, his x mark.
Peter Elm, his x mark.
Lewis Denny, his x mark.
Martin Denny,

The above assent was voluntarily freely and fairly given in my presence after being fully and fairly explained by me.

R. H. GILLET, *Commissioner.*

We the undersigned sachems, chiefs and headmen of the Tuscarora nation of Indians residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, and to our contract connected therewith, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States and fully and fairly explained by him to our said tribe in council assembled.

Dated August 14th, 1838.

Nicholas Cusick,
William Chew,
William Mountpleasant,
John Patterson, his x mark.
Matthew Jack, his x mark.
George L. Printup,
James Cusick,
Jonathan Printup, his x mark.
Mark Jack,
Samuel Jacobs.

Executed in presence of—
J. S. Buckingham,
D. Judson,
Liecester S. Buckingham,
Orlando Allen.

The above assent was freely and voluntarily given, after being fully and fairly explained by me.

R. H. GILLET, *Commissioner.*

We the undersigned chiefs and headmen of the tribe of Cayuga Indians residing in the State of New York do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assemided.

Dated August 30th, 1838.

Executed in presence of
James Young.

Thomas Crow, his x mark.
John Crow, his x mark.
Ghastly Darkness, his x mark.
Jacob G. Seneca.

The above four signatures were freely given in our presence.

R. H. GILLET, *Commissioner.*
H. A. S. DEARBORN,
*Superintendent of Massachusetts.*

We the undersigned sachemschiefs and headmen of the American party of the St. Regis Indians residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty as amended by the Senate of the United States on the 11th day of June, 1838, the same having been submitted to us by Ransom H. Gillet a commissioner on the part of the United States, and fully and fairly explained by him to our tribe in council assembled. The St. Regis Indians shall not be compelled to remove under the treaty or amendments.

Dated October 9th, 1838.

Loreun x taie-enne,
Sase x sori-hogane,
Louis x taw-roniate,
Tomas x talsete,
Saro x sako-ha-gi-tha,
Louis x te ka-nota-tiron,
Michel Gereault,
W. L. Gray Int.
Louis x tio-en-cate,
Tier x ana-sa-ker-rat,
Tomas x ska-en-to-gane,
Tier x sa-ko-oni-saka,
Saro x taio-her-is-en,
Sak x tho-te-ras-en,
Saro x saion-gese,
Louis x onia-rak-ete,
Louis x sion-gahes,
Sak x tha-nen-ris-hon,
Sa x ga-tis-ania-ta-ri-co,
Louis x sa-ka-na-tie,
Sa x ga-tis-asi-kgar-a-tha,
Simon x sa-he-rese,
Resis x tsis-kako,
Ennias x kar-igiio,
Sak x taior-ak-gisen,
Tier x kaien-take-ron,
Kor x ari-hata-ko,
Tomas x te-gaki-gasen,
Saro x thar-on-ka-tha,
Ennias x anas-ota-ko,
Wisho x te-ka-nia-tasoken,
Tomas x tio-nata-kgente,
Wishe x aten-en-rahes,
Tomas x ioha-hiio,
Ennias x kana-gaien-ton,
Louis x taro-nia-ke-thon,
Louis x ari-ga-ke-nha,
Sak x tsio-ri-te-has,
Louis x te-ga-ti-rhon,
Tier x atsi-non-gis-aka.

The foregoing assent was signed in our presence.

R. H. GILLET, *Com.*

Witnesses:
James B. Spencer,
Heman W. Tucker,
A. K. Williams, *Agent St. Regis Indians.*
Frs. Marcoux Dietre,

We the undersigned chiefs, headmen and warriors of the Onondaga tribe of Indians residing on the Seneca reservations in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty as amended by the Senate of the United States on the 11th day of June 1838, the same having been submitted to us, by Ransom H. Gillet, a commissioner on the part of the United States and fully and fairly explained by him to our said tribe in council assembled.

Dated August 31st, 1838.

Silversmith, his x mark.
Noah Silversmith,
William Jacket, his x mark.

The above signatures were freely given in our presence.

R. H. GILLET, *Com.*
H. A. S. DEARBORN,
*Superintendent of Massachusetts.*

**And whereas, the Senate did, on the twenty-fifth of March, one thousand eight hundred and forty, resolve, "That in the opinion of the Senate the treaty between the United States and the Six Nations of New York Indians, together with the amendments proposed by the Senate of the 11th of June, 1838, have been satisfactorily acceded to and approved of by said tribes, the Seneca tribe included: and that in the opinion of the Senate, the President is authorized to proclaim the treaty as in full force and operation."**

Now, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, do, in pursuance of the Resolutions of the Senate of the eleventh of June, one thousand eight hundred and thirty-eight, and twenty-fifth of March, one thousand eight hundred and forty, accept, ratify, and confirm, said treaty, and every article and clause thereof.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States to be hereunto affixed, having signed the same with my hand.

L.S.

DONE at the City of Washington, this fourth day of April, one thousand eight hundred and forty, and of the Independence of the United States the sixty-third.

M. VAN BUREN.

BY THE PRESIDENT.

JOHN FORSYTH,
*Secretary of State.*

Articles of a Treaty made & concluded at Buffalo Creek, in the State of New York, the 15th day of January, in the year of our Lord 1838, by Ransom H Gillet, a commissioner on the part of the United States, & the Chiefs, Headmen, & Warriors of the several Tribes of New York Indians, assembled in council, witnesseth —

Whereas the Six Nations of New York Indians, not long after close of the War of the Revolution, became convinced from the rapid increase of the white settlers around them, that the time was not far distant when their true interest must lead them to seek a new home among their red brethren of the West:

And whereas, this subject was agitated in a general council of the Six Nations as early as 1810, and resulted in sending a memorial to the President of the United States inquiring whether the Government would consent to their leaving their habitations, & their removing into the neighborhood of their western brethren, & if they could procure a home there, by gift or purchase, whether the Government would acknowledge it in those from whom they might receive it; & further, whether the existing Treaties would, in such a case, remain in full force, & their Annuities be paid as heretofore; And whereas the President answered by saying that their request should be granted: And whereas, with the approbation of the President of the United States purchases were made by the New York Indians from the Menominee & Winnebago Indians of certain lands at Green Bay, in the Territory of Wisconsin, which after much difficulty & contention with those Indians concerning the extent of that purchase, the whole subject was finally settled by a Treaty between the United States & the Menominee Indians, concluded [illegible] to which the New York Indians gave their [illegible] 1832: And whereas, by the provisions of that Treaty, five hundred thousand Acres of Land are secured to the New York Indians of the Six Nations and the St. Regis Tribe, as a future home, on condition that they all removed to the same within three years, or such reasonable time as the President should prescribe: And whereas, the President is satisfied that various considerations have prevented those still residing in New York from removing to Green Bay, and among other reasons, that many who were in favor of emigration prefer'd to remove at once to the Indian Territory, which, they were fully persuaded, was the only permanent & peaceable home for all the Indians:

And they therefore applied to the President to take their Green Bay lands, & provide for them a new home among their brethren in the Indian Territory: And whereas, the President being anxious to promote the peace, prosperity, & happiness of his red children, & being determined to carry out the humane policy of the Government in removing the Indians from the East to the West of the Mississippi within the Indian Territory, by bringing them to see & feel, by his justice & liberality, that it is their true policy & for their interest to do so without delay:—

Therefore, taking into consideration the foregoing premises, the following Articles of a Treaty are entered into between the United States of America & the several Tribes of the New York Indians, the names of whose Chiefs, Headmen, & Warriors are hereto subscribed, & those who may hereafter give their assent to this Treaty, in writing, within such time as the President shall appoint —

## General Provisions —

Article 1st. — The several Tribes of New York Indians, the names of who Chiefs, Headmen, Warriors, & Representatives are hereunto annexed, in consideration of the premises above recited, & the covenants hereinafter contained, to be performed on the part of the United States, hereby cede & relinquish to the United States all their right, titles & interest to the lands secured to them at Green Bay by the Menominee Treaty of 1831, excepting the following Tract, on which a part of the New York Indians now reside:

Beginning at the southwesterly corner of the French grants a
running thence southwardly to a point on a line to be run from the
little Cocaclin, parallel to a line of the French grants, & six miles from Fox
River; from thence on said parallel line, northwardly six miles; from thence
eastwardly to a point on the Northeast line of the Indian lands, being at
right angles to the same.

Article 2d — In consideration of the above ceſsion & relinquishment on
the part of the Tribes of the New York Indians, & in order to manifest the
deep interest of the United States in the future peace & prosperity of the
New York Indians, the United States agree to set apart the following
tract of Country, situated directly West of the State of Miſsouri, as a
permanent home for all the New York Indians, now residing in the
State of New York or in Wisconsin or elsewhere in the United States,
who have no permanent homes, which said Country is described
as follows, to wit; Beginning on the West line of the State of Miſsouri,
at the Northeast corner of the Cherokee tract, & running thence North
along the West line of the State of Miſsouri twenty seven miles to the
Southerly line of the Miami lands; thence West so far as shall be
neceſsary, by running a line at right angles, & parallel to the West
line of Miſsouri aforesaid, to the Osage lands, & thence Easterly along
the Osage & Cherokee lands, to the place of beginning; to include one
Million eight hundred & twenty four thousand Acres of land, being
three hundred & twenty Acres for each soul of said Indians, as their
numbers are at present computed. To have & to hold the same in
fee simple to the said Tribes or Nations of Indians, by Patent from
the President of the United States, iſsued in conformity with the
provisions of the third Section of an Act entitled "An act to pro-
vide for an exchange of lands, with the Indians residing in any
of the States or Territories, & for their removal West of the Miſsiſsippi;"
approved on the 28th of May 1830, with full power & authority in the
said Indians to divide said lands among the different Tribes,
Nations or Bands of New York Indians, or among the members
of said Tribes, Nations or Bands, in severalty, with the right to
sell and convey to and from each other under such laws & regulation

as may be adopted by the respective Tribes acting by themselves, or by a general Council of the said New York Indians, acting for all the Tribes collectively.— It is understood & agreed that the above described Country is intended as the future home of the following Tribes, to wit; The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, & Brothertowns, residing in the State of New York, & the same is to be divided equally among them, according to their respective numbers, as mentioned in a Schedule hereto annexed—

Article 3d —It is further agreed, that such of the Tribes of the New York Indians as do not accept & agree to remove to the Country set apart for their new homes within five years, or such other time as the President may, from time to time appoint, shall forfeit all interest in the lands so set apart to the United States—

Article 4 — Perpetual peace & friendship shall exist between the United States & the New York Indians; & the United States hereby guaranty to protect & defend them in the peaceable possession & enjoyment of their new home, & hereby secure to them, in the said Country, the right to establish their own form of Government, appoint their own Officers, & administer their own laws; subject however to the legislation of Congress of the United States, regulating trade & intercourse with the Indians.

The lands secured to them by Patent under this Treaty shall never be included in any State or Territory of this Union—

The said Indians shall also be entitled, in all respects, to the same Political & Civil rights & privileges that are granted & secured by the United States to any of the several Tribes of emigrant Indians settled in the Indian Territory—

Article — The Oneidas are to have their lands in the Indian Territory, in the tract set apart for the New York Indians, adjoining the Osage tract, & that hereinafter set apart for the Senecas, & the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those Tribes whose lands are not specially designated in this Treaty, are to have such as shall be set apart by the President.—

Article 5th — It is further agreed that the United States will pay to those who remove West, at their new homes, all such annuities as shall properly belong to them. — The Schedules hereunto annexed shall be deemed & taken as a part of this Treaty —

Article 6th — It is expressly understood & agreed, that this Treaty must be approved by the President, & ratified & confirmed by the Senate of the United States before it shall be binding upon the parties to it. It is further expressly understood & agreed, that the rejection, by the President & Senate, of the provisions thereof, applicable to one Tribe, or distinct branch of a Tribe, shall not be construed to invalidate it as to the others, but as to them it shall be binding, & remain in full force & effect.

Article 7th — It is stipulated & agreed that the accounts of the Commissioner, & expences incurred by him in holding a council with the New York Indians, & concluding Treaties at Green Bay & Duck Creek, in Wisconsin, & in the state of New York in 1836. and those for the exploring party of the New York Indians, in 1837. & also the expences of the present Treaty, shall be allowed & settled according to former presedents —

Article 8th — It is agreed with the American party of the St Regis Indians, that the United States will pay to the said Tribe on [illegible] removal West, or at such time as the President shall appoint, [illegible] sum of Five thousand Dollars, as a renumeration for monies [illegible] by the said Tribe, & for services rendered by their Chiefs [illegible] securing the title to the Green Bay lands, & in removal [illegible] the same to be apportioned out to the several claimants [illegible] Chiefs of said party & a United States Commissioner [illegible] by them equitable & just. — It is further agreed [illegible] of land shall be made to the

Rev Eleazer Williams, of said Tribe, which he claims in his own right & in that of his Wife, which he is to hold in fee simple by Patent from the President, with full power & authority to sell & dispose of the same, to wit: Beginning at a point in the West bank of the Fox river, thirteen chains above the old Mill dam at the rapids of the Little Kackalin; thence north Fifty two degrees & thirty minutes West two hundred & Forty chains; thence north Thirty seven degrees & thirty minutes east, two hundred chains; thence South Fifty two degrees & thirty minutes East, two hundred & Forty chains to the bank of Fox river; thence up along the bank of Fox river to the place of beginning.

Special provisions for the Senecas

Article 9th — It is agreed with the Senecas that they shall have for themselves, & their friends the Cayugas & Onondagas, residing among them, the Easterly part of the tract set apart for the New York Indians, & extend so far West as to include one half a section (three Hundred & twenty Acres) of land for each soul of the Senecas, & the Cayugas & Onondagas, residing among them; & if, on removing West, they find there is not sufficient timber on this tract for their use, then the President shall add thereto timber land sufficient for their accommodation. — And they agree to remove from the State of New York to their new homes within five years, & to reside on the lands set apart for them. — And whereas at the making of this Treaty, Thomas L Ogden & Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Seneca nation of Indians, in the presence & with the approbation of the Commissioner appointed by the United States to hold said Treaty or convention, all the right, title, interest, & claim of the said Seneca Nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed; & whereas the consideration money mentioned in said deed, amounting to two hundred & two thousand Dollars, belongs to the Seneca Nation, & the said Nation agrees that the said sum of

Money shall be paid to the United States, & the United States agree to receive the same, to be disposed of as follows: The sum of one hundred thousand Dollars is to be invested by the President of the United States in safe stocks, for their use, the income of which is to be paid to them at their new homes, annually, & the balance, being the sum of one hundred & two thousand Dollars, is to be paid out to the owners of the improvements on the lands so deeded, according to an appraisement of said improvements, & a distribution & award of said sum of Money among the owners of said improvements, to be made by appraisers, hereafter to be appointed by the Seneca Nation, in the presence of a United States Commissioner, hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same, according to the said appraisal & award, on their severally relinquishing their respective possessions to the said Ogden & Fellows —

Special provisions for the Cayugas —

Article 16 — The United States will set apart for the Cayugas, on their removing to their new homes at the West, two thousand Dollars, & will invest the same in some safe stocks, the income from which shall be paid to them annually, at their new homes. The United States further agree to pay to the said Nation, on their removal West, two thousand five Hundred Dollars to be disposed of as the Chiefs shall deem just & equitable —

Special provisions for the Onondagas residing on the Seneca reservations —

Article 17 — The United States agree to set apart for the Onondagas, residing on the Seneca Reservations, two thousand five hundred Dollars on their removing West, & to invest the same in safe stocks, the income of which shall be paid to them at their new homes. — And the United States further agree to pay to the Onondagas on their removal to their new homes in the West, two thousand Dollars, to be disposed of as the Chiefs shall deem just —

Special provisions for the Oneidas residing in the State of New York

Article 18 — The United States will pay the sum of Four Thousand Dollars, to be paid to Baptista Powlis, & the Chiefs of the first Christian party residing at Oneida, & the sum of two thousand Dollars shall be paid to William Day, & the Chiefs of the Orchard party residing there, for expenses incurred & services rendered in securing the Green Bay Country, & the settlement of a portion thereof, & they hereby agree to remove to their new homes, in the Indian Territory, as soon as they can make satisfactory arrangements with the Governor of the state of New York for the purchase of their lands at Oneida

Article — The United States hereby agree, that they will appropriate the sum of Four Hundred thousand Dollars, to be applied from time to time, under the direction of the President of the United States, in such proportions as it may be most for the interest of said Indians, parties to this Treaty, for the following purposes, to witt: to aid them in removing;* to encourage & assist them in education, & being taught to cultivate their lands; in erecting Mills & other necessary houses; in purchasing domestic animals & farming utensils, & acquiring a knowledge of mechanic arts —

homes, & supporting themselves the first year after their removal —

Omitted in the Copy

Special provisions for the Tuscaroras —

Article — The Tuscarora Nation agree to accept the country set appart for them in the Indian Territory, and to remove there within five years, & continue to reside [illegible].

It is further agreed, that the Tuscaroras shall have their lands Indian country, at the forks of the Neosho River which shall be so laid off as to secure a sufficient quantity of Timber for the accommodation of the Nation. But if, on examination, they are not satisfied with this location, they are to have their lands at such place as the President of the United States shall designate. — The United States will pay to the Tuscarora Nation, on their settling at the West, three thousand Dollars, to be disposed of as the Chiefs shall deem most equitable & just.

Whereas the said Nation own in fee simple, five thousand acres of land, lying in Niagara county, in the State of New York, which was conveyed to the Nation by Henry Dearborn, & they wish to sell & convey the same before they remove West: Now, therefore, in order to have the same done in a legal & proper way, they hereby convey the same to the United States, to be held in trust for them; & they authorize the President to sell & convey the same, & the money which shall be received for the said lands, exclusive of the improvements, the President shall invest in safe Stocks for their benefit, the income from which shall be paid to the Nation at their new homes, annually; & the Money which shall be received for improvements on said lands, shall be paid to the owners of the improvements when the lands are sold. — The President shall cause said lands to be surveyed, & the improvements shall be appraised by such persons as the Nation shall appoint; & said lands shall also be appraised, & shall not be sold at a less than the appraisal, without the consent of James [illegible] William Mountpleasant, & William Chew, or the survivor or survivors of them; & the expences incurred by the United States in relation to this trust, are to be deducted from the moneys received before investment. —

[illegible] of this Treaty, Thomas L. Ogden & [illegible] of the State of Massachusetts, have purchased of the Tuscarora Nation of Indians, in the presence & with the approbation of the Commissioner appointed on the part of the United States to hold said Treaty or Convention, all the right, title, interest, & claim of the Tuscarora Nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed: And whereas, the consideration money for said sale of said lands has been secured to the said Nation to their satisfaction, by the said Thomas L. Ogden & Joseph Fellows; therefore, the United States hereby assent to said sale & conveyance & sanction the same.

In testimony whereof, the Commissioner, & the Chiefs, headmen, & people, whose names are hereto annexed, being duly authorised, have hereunto set their hands & affixed their respective seals, at the time & place abovementioned.

## Schedule A

Census of the New York Indians, as taken in 1837 —

Number residing on the Seneca reservations —

| | |
|---|---|
| Senecas - - - - | 2309 |
| Onondagas - - - | 194 |
| Cayugas . . | 130 |
| | 2633 |
| Onondagas at Onondaga | 300 |
| Tuscaroras - - - | 273 |
| St Regis in New York | 350 |
| Oneidas at Green Bay | 600 |
| Oneidas in New York | 620 |
| Stockbridges - - - | 217 |
| Munsees - - - - | 132 |
| Brothertowns - - | 360 |

The above was agreed to before the Treaty was finally executed.

## Schedule B —

The following is the disposition agreed to be made of the sum of three thousand Dollars provided in this Treaty for the Tuscaroras, by the Chiefs, & assented to by the Commissioner, & is to form a part of the Treaty —

| | |
|---|---|
| To Jonathan Printess — | 93 Dollars |
| To William Chew - - - | -115 " |
| To John Patterson - - - | 46 — |
| To William Mount Pleasant | -171 — |
| To James Cusick - - | -125 — |
| To David Peter - - - | 50 — |

The rest & residue thereof is to be paid to the Nation

the above was agreed to before the execution of the Treaty —

## Schedule C —

Schedule applicable to the Onondagas & Cayugas residing on the Seneca Reservations. — It is agreed that the following disposition shall be made of the amount set apart to be divided by the Chiefs of these Nations, in the preceding parts of this Treaty, any-thing to the contrary notwithstanding —

| | |
|---|---|
| To William King — | 1500 Dollars |
| Joseph Isaacs - - | 700 — |
| Jack Wheelbarrow - - | 300 — |
| Silversmith - - | 1000 — |
| William Jacket - - | 500 — |
| [illegible] George - - | 500 — |

[illegible] to before the Treaty was finally executed

Supplemental Article —

That the supplemental article to the Treaty concluded at Buffalo Creek, in the State of New York, January 15th 1838 — which was made at the Council house of St Regis on the 13th day of February 1838, be ratified, provided, the Chiefs & head men of the St Regis Indians, residing in New York, will, in general Council, accept of & adopt the aforesaid Treaty, as modified by the preceding amendments —

Provided always, & be it further resolved, That this Treaty shall have no force whatever, as it relates to any of the said Tribes, Nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted & fully & fairly explained, by a Commissioner of the United States, to each of said Tribes, or bands, separately assembled in Council, & they have given their free & voluntary assent thereto: & if one or more of said Tribes or bands, when consulted as aforesaid, shall freely assent to said Treaty as amended, & to their contract connected therewith, it shall be binding & obligatory upon those so assenting, although other, or others of said bands or Tribes may not give their consent, & thereby cease to be parties thereto:

Provided further, — That if any portion or part of said Indians, do not emigrate, the President shall retain a proper proportion of said sum of Four hundred thousand Dollars, & shall also deduct from the quantity of land allowed West of the Mississippi, such number of Acres as will leave to each emigrant three hundred & twenty Acres only —

1838
1-15.

# Treaty with New York Indians.

## Jan. 15th 1838.

## Statute at Large.

Article IV. Perpetual peace and friendship shall exist between the United States and the New York Indians; and the United States hereby guarant to protect and defend them in the peaceable possession and enjoyment of their new homes, and hereby secure to them, in said country, the right to establish their own form of government, appoint their own officers and administer their own laws; subject, however, to the legislation of the Congress of the United States regulating trade and intercourse with the Indians.

The lands secured to them by patent under this treaty shall never be included in any State or Territory of this Union.

The said Indians shall also

be entitled, in all respects to the same political and civil rights and privileges that are granted and secured by the United States to any of the several tribes of emigrant Indians, settled in the Indian Territory.

Jan. 15. 38.

O. I. A. New York. G262.

Hon. R. H. Gillet,

Ogdensburgh Feby 11. 1838.

Transmits the original treaty concluded by him with the N.Y. Indns.

Thinks the St Regis tribe will assent to it, and that a portion will probably agree to remove west, while the residue will retire to Canada. Says the measures to accomplish this, at a future time, were all taken by him some time since.

(Treaties. Original & unratified,)

original sent to Attorney General Nov 3/73

Recd 19 Feby 1838.

~~Note~~

Treaty sent to Senate 15 Mch 1838.

File.

Ogdensburgh Feby 11. 1838.

Sir,

Herewith I send you the original treaty concluded by me, with the New York Indians. Intelligence from St. Regis induces the belief that the Indians there will cheerfully assent to the treaty, & it is quite probable that a portion will positively agree to remove west, while the residue will retire to Canada to reside with their friends on that side of the line. The measures to accomplish this, at a future period, were all taken by me some time since.

Your obt. Servt

R. H. Gillet

C. A. Harris Esq
Commissioner of
Indian Affairs.

Supplemental Article
Feby 13. 1838

(O.a. New York) C 262. 1838

E. No. 2

April 23. 1838

8217
NOV 4 18[illegible]
INDIAN DIV.

408
JAN [illegible]

2648 INDIAN OFFICE Inclos. No. 9

2648

22459 INDIAN OFFICE Inclos. No. 9 1894.

Recd. at the [illegible] June 12 1838.

Supplemental Article to the Treaty concluded at Buffalo Creek in the State of New York dated January 15. 1838

The undersigned Chiefs & headmen of the St. Regis Indians residing in the State of New York having heard a copy of said treaty read by Ransom H. Gillet the Commissioner who concluded that treaty on the part of the United States & he having fully & publicly explained the same, & believing the provisions of the said treaty to be very liberal on the part of the United States & calculated to be highly beneficial to the New York Indians, including the St. Regis who are embraced in its provisions, do hereby assent to every part of said treaty & approve the same. And it is further agreed that any of the said St. Regis Indians who wish to do so, shall be at liberty to remove to the said country at any time hereafter, ~~or~~ within the time specified in this ~~said~~ treaty, but under it the Government shall not compel them to remove. The United States will within one year after the ratification of this treaty, pay over to the American party of said Indians one thousand Dollars, part of the sum of five thousand Dollars mentioned in the special provisions for the St. Regis Indians any thing in that article contained to the contrary notwithstanding. Done at the Council House at St. Regis this thirteenth day of February in the year of our Lord one thousand eight hundred & thirty eight. Witness our hands & seals

R. H. Gillet
Commissioner

Loren + taie enre
Louis + tais vorio te
Michel garenlte
Jose + Sori kosane
Louis + tiosnsote
Ast + ta sen rhide
enrias + gana8ain to
tomas + tatete
tier + te ganotat en
tier + Sa ttoia ni ttkk
Sa8atis + o tsi kia te gon
tier + Sgane kor takse
enrias + ana8otallo
Louis + te ganota ti ron
Isac + atia toronne
tomas + orota go8a
Jose + te gaon8ahte
Louis + ari8ate nhat
Sa8atis + o tsi tiakk
tier + anatakenrat
Louis + teroriakelton

iasen + Karatoon

The foregoing was executed in our presence
A K Williams Agent on part State of New York
for St Regis Indians
Wm L. Gray Intr
his
Owen + O'Donely
mark
Sogsarée

New York. G. 262 - 38

Special instruction as to the Oneidas of St Regis

War Department
&

Sir,

Under the ~~section~~ article of the treaty concluded with the New York Indians on the 15th of January last, there is a provision ~~in~~ by which ~~of~~ the sum of $5000. is to be paid to the American party of the St Regis Indians, four thousand of which is made dependant upon certain contingencies. In the event of this band fully & freely assenting to the treaty as modified by the Senate, you are authorized ~~in their~~, & authorized to adjust with them a provisional distribution of said money. And in case the said Indians sell their interest in their present reservation in the state of New York, & agree to remove to their new homes set apart at the west, or ~~to remove~~ elsewhere out of the United States, then you are further authorized to inform them that the ~~money~~ said sum of four thousand Dollars will be

If one person attends to ~~attention~~ submitting the treaty to all the tribes, this should be added to the general instructions paid to them whenever they so remove.

Should ~~the Oneidas of~~ that portion of the Oneidas who signed the treaty at Buffalo, assent to the treaty as amended, you are authorized to act as Commissioner in the Distribution of the sum of six thousand Dollars set apart in said treaty for their use.

Duplicates of all arrangements of this description agreed upon should be made, one ~~of~~ part of which should be sent to this office.

Jany 15 - 1838.

E. N.P

38.

(C.I.A. New York) [illegible] 2.-

DEPARTMENT OF THE [illegible]
8217 NOV A 1894
INDIA[illegible] DIV.

2648 INDIAN OFFICE 1894.
Inclos. No. 10

408 JAN 19 1894

22459 INDIAN OFFICE 1894.
1138-
Inclos. No. 10

Original

Treaty of January 15/38

Ham

Articles of a Treaty made & concluded at Buffalo Creek in the State of New York the fifteenth day of January in the year of our Lord one thousand eight hundred & thirty eight by Ransom H. Gillet, a Commissioner on the part of the United States, & the Chiefs, headmen & warriors of the several tribes of the New York Indians, assembled in council, witnesseth:

Whereas the six Nations of New York Indians, not long after the close of the war of the Revolution, became convinced from the rapid increase of the white settlements around them, that the time was not far distant when their true interest must lead them to seek a new home among their red brethren in the west: And whereas this subject was agitated in a general council of the six nations as early as 1810, and resulted in sending a memorial to the President of the United States enquiring whether the Government would consent to their leaving their habitations & their removing into the neighbourhood of their western brethren, & if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it, & further, whether the existing treaties would, in such a case, remain in full force & their annuities be paid as heretofore: And whereas the President answered by saying, that their request should be granted: And whereas with the approbation of the President of the United States, purchases were made by the New York Indians from the Menomonie &

Winebago Indians of certain Lands at Green Bay in the Territory of Wisconsin; which after much difficulty & contention with those Indians concerning the extent of that purchase, the whole subject was finally settled by a treaty between the United States & the Menomonie Indians concluded in February 1831, to which the New York Indians gave their assent on the seventeenth day of October 1832: And whereas by the provisions of that treaty five hundred thousand acres of Land are secured to the New York Indians of the Six Nations, & the St. Regis tribe, as a future home on condition that they all remove to the same within three years, or such reasonable time as the President should prescribe: And whereas the President is satisfied that various considerations have prevented those still residing in New York from removing to Green Bay, & among other reasons, that many who were in favour of emigration preferred to remove at once to the Indian Territory which they were fully ~~[illegible]~~ persuaded was the only permanent & peaceable home for all the Indians. And they therefore applied to the President to take their Green Bay lands, & provide for them a new home among their brethren in the Indian Territory: And whereas the President being anxious to promote the peace, prosperity & happiness of his red children & being determined to carry out the humane policy of the Government in removing the Indians from the East to the west of the Mississippi within the Indian Territory by bringing them to see & feel by his justice & liberality that it is their true policy & for their interest to do so without delay:

Therefore taking into consideration the foregoing premises, the following articles of a treaty are entered into between the United states of America & the several tribes of the New York Indians the names of whose chiefs, head men & Warriors are hereto subscribed, & those who may hereafter give their assent to this treaty in writing within such time as the President shall appoint.

General provisions.

Article 1. The Several tribes of New York Indians the names of whose chiefs, head men, Warriors & representatives are hereunto annexed in consideration of the premises above recited & the covenants hereinafter contained to be performed on the part of the United states, hereby cede & relinquish to the United states all their right, title & interest to the lands secured to them at Green Bay by the menominie treaty of 1831 excepting the following tract on which a part of the New York Indians now reside, Beginning at the Southwesterly corner of the French Grants at Green Bay & running thence Southwardly to a point on a line to be run from the little Cocaclin, parallel to a line of the French Grants & six miles from Fox River; from thence on said parallel line Northwardly six miles, from thence Eastwardly to a point on the North East line of the Indian lands & being at right angles to the same.

Article 2. In consideration of the above cession & relinquishment on the part of the tribes of the New York Indians, & in order to manifest the deep interest of the United states in the future peace & prosperity of the New York

Indians, the United States agree to set apart the following tract of country situated directly west of the state of Missouri, as a permanent home for all the New York Indians now residing in the state of New York, or in Wisconsin, or elsewhere in the United States who have no permanent homes, which said Country is described as follows to wit: Beginning on the west line of the state of Missouri at the North East corner of the Cherokee tract & running thence north along the west line of the state of Missouri twenty seven miles to the southerly line of the Miami Lands, thence due west so far as shall be necessary, by running a line at right angles & parallel to the west line of Missouri aforesaid to the Osage Lands & thence Easterly along the Osage & Cherokee lands to the place of beginning, to include one million eight hundred & twenty four thousand acres of land, being three hundred & twenty acres for each soul of said Indians, as their numbers are at present computed: [To have & to hold the same in fee simple forever by patent from the President of the United States, with full power & authority to divide the same among the members of the different tribes in severalty, with power & authority to sell among each other & their Indian brethren of the Indian Territory, under such laws & regulations as may be adopted by the respective tribes themselves, or by a general council of the New York Indians.] It is understood agreed that the above described country is intended as the future home of the following tribes, to wit: The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St Regis, Stockbridges, Munsees, & Brothertowns, residing in the state of New York [& at Green Bay] & the same is to be divided equally among them, according to their respective numbers, as mentioned in a schedule hereto annexed. [It is further agreed that of if the United States, by any future arrangement can procure the Cherokee tract lying between the Osage lands & the state of Missouri, that then the New York Indians shall have the same, & a like quantity is to be taken off the western end of the tract herein set apart for the New York Indians. And in order to convince the New York Indians of the great desire of the United States to gratify their wishes, it is agreed that the President shall invite a delegation of the Cherokees, & also a delegation of the New York Indians, to assemble at the City of Washington to participate in the negotiations for the said Cherokee Country, the expense of which shall be born by the United States. It is agreed that the New York Indians shall confer on their delegates such powers as shall be necessary to relinquish the lands proposed to be given in exchange with the Government for the Cherokee lands, & such other powers as each tribe may confer relating to the interest of itself.]

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[Article 3. The United states stipulate & agree to remove all the New York Indians of the several tribes described in the foregoing articles to their new homes, & to supply them with provisions for one year after their arrival there. But if any Chief, who shall be, in the opinion of the Agent competent competent to take care of & remove himself & family, in his own conveyance or otherwise, wishes to do so, he shall be allowed that privilege, & he shall be allowed the same compensation for each person so removed, as it would cost the United States which shall not be less than twenty Dollars for each person so removed. And any Chief who shall be, in the opinion of the Agent competent to act as a subagent in the removal of his party, & does actually remove them, shall be paid at the rate of five hundred Dollars for every party of one hundred persons so by him removed & in the same ratio, be the number more or less. It is understood that when any chief gives notice to the Agent of the Government that he & his party are ready to remove, that the means shall be furnished for that purpose by the Government, & a disbursing agent shall accompany them. It is further agreed, that such Indians as prefer to remove by land with their own conveyances, shall be permitted to do so, & those who are removed by the Government shall have every attention paid to their health & comfort, by having good & sufficient conveyances for their accommodation, & a physician to accompany each party of emigrants if they desire it. It is agreed that the Indians shall be permitted to commute their one years support for such a sum as the rations would cost the Government at their new homes.]

[Article 4. It is further agreed that the United States will erect in the Country set apart for the New York Indians, for the use of the respective nations, as many council Houses, Churches, School Houses, saw mills, gristmills & blacksmith shops, not to exceed one for each nation, except where otherwise specially provided, as shall be necessary & desired by the said nations. But in case any portion of any tribe removes, then a proper proportion of the above mentioned buildings are to be erected. It is further agreed, that the United States shall pay suitable teachers, millers & blacksmiths, & furnish the necessary coal, iron steel & blacksmith's tools for ten years & as much longer as the President shall deem proper.]

[Article 5. It is expressly agreed, that if in the opinion of the President of the United States, he shall hereafter deem it proper to locate the seat of Government for the Indian Territory, within the Territory set apart for the New York Indians, that then he shall be at liberty to select a tract, not to exceed a township, for that purpose, which shall be excepted from the foregoing grant & remain the sole property of the United States & there shall be added to the Territory set apart for the New York Indians a ~~corresponding~~ quantity of land which shall be equally valuable.]

[Article 6. The United States, taking a deep interest in the improvement of the Indians in useful knowledge, & believing that a literary institution for their instruction in the higher branches of education, to be established in the ~~higher branches of education~~ the Indian Territory, will be highly beneficial to the Indians, hereby stipulate to set apart for that purpose as a permanent fund, the sum of thirty thousand Dollars, to be invested in some safe stock, by the President of the United States, the income of which shall be applied to the purchase of the necessary books & apparatus, & the support of suitable teachers, who shall always be selected from among the Indians themselves, if persons of the necessary qualifications can be found among them. It is understood that this institution shall be organized under such rules & regulations as the President of the United States shall from time to time prescribe, & to be established at such place as shall be finally selected as the seat of Government of the Indian Territory, if that shall be located within the country assigned to the New York Indians & if not, then to the said Institution shall be located at such place in said Country as shall be determined in a general council of the New York Indians residing there.]

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Article 7. It is further agreed that such of the tribes of the New York Indians as do not accept & agree to remove to the Country set apart for their new homes within five years or such other time as the President may from time to time appoint shall forfeit all interest in the lands so set apart, to the United States.

Article 8. Perpetual peace & friendship shall exist between the United States & the New York Indians, & the United States hereby guarantee to protect & defend them in the peaceable possession & enjoyment of their new homes, & hereby secure to them, in said country, the right to establish their own form of government, appoint their own officers, & administer their own laws, subject however to the legislation of congress of the United States regulating trade & intercourse with the Indians. The lands secured to them by patent under this treaty, shall never be included in any state or territory of this Union. The said Indians shall also be entitled in all respects to the same political & civil rights & privileges, that are granted & secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory. [It is expressly understood & agreed that if any of the several tribes of New York Indians shall suffer depredations from any other Indian tribes residing in the Indian Territory, or from citizens of the United States, & the same is proved to be the case to the satisfaction of the agent residing among them, & the property cannot be recovered, nor satisfaction therefor

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obtained by such agent, that then the United States will pay the Indians so sustaining such loss for the same.]

[Article 9. [The United States agree to pay the New York Indians at their new homes each year for five years, ten thousand Dollars in farming utensils, looms & spinning wheels, & in money to support proper persons to instruct them in the use of the same, & in domestic economy, under such regulations as shall be prescribed by the President of the United States. The rejection of this article by the Senate shall not invalidate the residue of the treaty, & the senate shall be at liberty to modify & alter this article as they shall deem proper.]

Article 10. The Oneidas are to have their lands in the Indian Territory in the tract set apart for the New York Indians adjoining the Osage tract, & that hereinafter set apart for the Senecas, & the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tribes whose lands are not specially designated in this treaty, are to have such as shall be set apart by the President

Article 11. It is further agreed that the United States will pay to those who remove west at their new homes, all such annuities as shall properly belong to them. [& the Government will have one of its Agents reside among the New York Indians of the west.] The schedules hereunto annexed shall be deemed & taken as a part of this treaty.

Article 12. It is expressly understood & agreed that this treaty must be approved by the President & ratified & confirmed by the Senate of the United States before it shall be binding upon the parties to it. It is further expressly understood & agreed, that the rejection by the President & Senate of the provisions thereof applicable to one tribe, or distinct branch of a tribe, shall not be construed to invalidate it as to the others, but as to them it shall be binding & remain in full force & effect.

Article 13. It is stipulated & agreed that the accounts of the Commissioner & expenses incurred by him in holding a council with the New York Indians, & concluding treaties at Green Bay & Duck Creek in Wisconsin & in the state of New York in 1836, & those for the exploring party of the New York Indians in 1837, & also the expenses of the present treaty, shall be allowed & settled according to former precedents.

Special provisions for the St Regis

Article 14. It is agreed with the American party of the St. Regis Indians, that the United States will pay to the said tribe on their removal west, or at such time as the President shall appoint the sum of five thousand Dollars as a remuneration for monies laid out by the said tribe, & for services rendered by their chiefs & agents in securing the title to the Green Bay lands & in removal to the same, the same to be apportioned out to the several claimants by the chiefs of said party & a United States Commissioner, as may be deemed by them equitable & just. It is further agreed that the following reservation of Land shall be made to the Rev. Eleazer Williams of said tribe, which he claims in his own right & in that of his wife, which he is to hold in fee simple by patent from the President, with full power & authority to sell & dispose of the same, to wit: Beginning at a point in the west bank of the Fox River thirteen chains above the old mill dam at the rapids of the little Kackalin, thence north fifty two degrees & thirty minutes west two hundred & forty chains, thence north thirty seven degrees & thirty minutes East two hundred chains, thence South fifty two degrees & thirty minutes East, two hundred & forty chains, to the bank of Fox river, thence up along the bank of Fox River to the place of beginning. [But if the President & Senate shall not ratify & confirm this reservation, then the said Williams is to receive in lieu thereof ten thousand Dollars & have the preemption right to purchase the

out

said Lands at Government price.]

## Special provisions for the Senecas.

Article 15. It is agreed with the Senecas, that they shall have for themselves & their friends the Cayugas & Onondagas residing among them, the Easterly part of the tract set apart for the New York Indians, & extend so far west as to include one half a section (three hundred & twenty acres) of Land for each soul of the Senecas, & the Cayugas & Onondagas residing among them, & if on removing west they find that there is not sufficient timber on this tract for their use, then the President shall add thereto timber land sufficient for their accommodation. [But in case the Cherokee tract laying East of the Osages is obtained by the United States, that then the Senecas

out

are to have that tract & so much north of it of the Country set apart for the New York Indians as shall be necessary to make the requisite quantity for them & their friends, the Cayugas & Onondagas residing among them, &] they agree to remove from the State of New York to their new homes within five years & to reside on the lands set apart for them.

And whereas, at the making of this treaty Thomas L. Ogden & Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Seneca nation of Indians, in the presence & with the approbation of the Commissioner appointed by the United States to hold said treaty, or convention, all the right, title, interest & claim of the said Seneca nation to certain lands by a Deed of conveyance, a duplicate of which is hereunto annexed, & whereas the consideration money mentioned in said Deed, amounting to ~~one~~ two hundred & ~~twenty~~ two ~~five~~ thousand Dollars, belongs to the Seneca nation, & the said Nation agrees that the said sum of money shall be paid to the United States, & the United States agree to receive the same, to be disposed of as follows: The sum of one ~~two~~ ~~one~~ hundred [illegible] thousand Dollars is to be invested by the President of the United States in safe stocks for their use the income of which is to be paid to them at their new homes annually, & the balance being the sum of ~~seventy five~~ one hundred & two thousand Dollars is to be paid out to the owners of the improvements on the lands so deeded according to an appraisement of said improvements & a distribution & award of said sum of money among the owners of said improvements to be made by appraisers hereafter to be appointed by the Seneca Nation in the presence of a United States Commissioner hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same according to the said appraisal & award on their severally relinquishing their respective possessions to the said Ogden & Fellows.

[The United States also agree to build, at their new homes for the Senecas, & their friends the Cayugas & Onondagas residing among them four saw mills

& four gristmills, four council Houses, four school houses, four churches if they desire it, & three blacksmiths shops & one gun-smith shop, & also to provide & pay necessary millers, teachers & blacksmiths & a gunsmith for ten years & as much longer as the President of the United States shall deem proper, & the United States will also supply the necessary blacksmiths tools, iron, steel & coal for said shops during that period. It is expressly understood that the gunsmith is to do all the work for all the New York Indians who remove west & reside at their new homes.]

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Special provisions for the Cayugas.

Article 16. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand Dollars & will invest the same in some safe stocks the income from which shall be paid to them annually at their new homes. The United States further agree to pay to the said Nation on their removal west two thousand five hundred Dollars, to be disposed of as the Chiefs shall deem just & equitable.

Special provisions for the Onondagas residing on the Seneca Reservations.

Article 17. The United States agree to set apart for the Onondagas residing on the Seneca Reservations, two thousand five hundred Dollars on their removing west, & to invest the same in safe stocks, the income of which shall be paid to them annually at their new homes. And the United States further agree to pay said Onondagas on their removal to their new homes in the west two thousand Dollars to be disposed of as the Chiefs shall deem equitable & just.

### Special provisions for the Oneidas residing in the state of New York

Article 18. The United States will pay the sum of four thousand Dollars, to be paid to Baptiste Powlis, & the Chiefs of the first Christian party residing at Oneida, & the sum of two thousand Dollars shall be paid to William Day & the Chiefs of the Orchard party residing there, for expenses incurred & services rendered in securing the Green Bay Country, & the settlement of a portion thereof. And they hereby agree to remove to their new homes in the Indian Territory, as soon as they can make satisfactory arrangements with the Governor of the state of New York for the purchase of their lands at Oneida.

### Special provisions for the Oneidas at Green Bay

Article 19. The United States agree to pay the sum of three thousand Dollars to the Orchard party of the Oneidas at Green Bay & the sum of thirty thousand five hundred Dollars to the first Christian party settled at that place, as a remuneration for monies laid out & expended by the said parties & for services rendered by their Chiefs & agents in securing the title to the Green Bay lands & the removal to the same, the same to be apportioned & paid out to the several claimants by the Chiefs & a United States Commiſsioner, as may be deemed most equitable & just. It is expreſsly agreed, that if the Senate of the United States does not ratify & confirm the above in relation to the Green Bay Indians it shall not invalidate any of the other provisions of this treaty. It is expreſsly agreed, that if any of the Indians now at Green Bay wish to remove to the Country set apart as their future homes, they shall be at liberty to do so, & on relinquishing their poſseſsions & improvements to the United States, they shall be paid the value of said improvements & when a sufficient number of said Indians remove to their new homes to need them, the United States will make the provisions for this part of the Oneidas, separate from those at Oneida, if they desire it, which are specified in article fourth of this treaty. This article shall not be construed to authorize the Government to compel them to remove.

Special provisions for the Tuscaroras.

Article 20. The Tuscarora nation agree to accept the country set apart for them in the Indian Territory & to remove there within five years & continue to reside there. It is further agreed that the Tuscaroras shall have their lands in the Indian Country at the forks of the Neosho River, which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the nation. But if on examination they are not satisfied with this location, they are to have their lands at such place as the President of the United states shall designate. The United states will pay to the Tuscarora nation, on their settling at the west three thousand Dollars to be disposed of as the Chiefs shall deem most equitable & just. Whereas the said nation owns in fee simple five thousand acres of Land laying in Niagara County in the state of New York which was conveyed to the nation by Henry Dearborn, & they wish to sell & convey the same before they remove west, now therefore in order to have the same done in a legal & proper way, they hereby convey the same to the United states to be held in trust for them, & they authorize the President to sell & convey the same, & the money which shall be received for the said lands exclusive of the improvements, the President shall invest in safe stocks for their benefit, the income from which shall be paid to the nation at their new homes annually, & the money which shall be received for improvements on said Lands shall be paid ~~shall be paid~~ to the owners of the improvements when the lands are sold. The President shall cause said lands to be surveyed & the improvements shall be appraised by such persons as the nation shall appoint, & the said lands shall also be appraised & shall not be sold at a less price than the appraisal, without the consent of James Cusick, William Mountpleasant & William Chew, or the survivor, or survivors of them. The expenses incurred by the United States in relation to this trust are to be deducted from the monies received before investment.

And whereas at the making of this treaty Thomas L. Ogden & Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Tuscarora nation of Indians, in the presence & with the approbation of the Commissioner appointed on the part of the United States to hold said treaty or convention, all the right, title, interest & claim of the Tuscarora nation to certain lands by a deed of conveyance a duplicate of which is hereunto annexed, & whereas the consideration money for said sale of said lands has been secured to the said nation to their satisfaction, by the said Thomas L. Ogden & Joseph Fellows, therefore the United States hereby assent to said sale & conveyance & sanction the same.

In testimony whereof the Commissioner & the Chiefs head men & people whose names are hereto annexed, being duly authorized, have hereunto set their hands & affixed their respective seals at the time & place above mentioned

R.H. Gillet
Commissioner

Senecas.

Da o neh ho gah weh or Little Johnson his X mark
Da ga o yeas or Daniel Two Guns
Ga o do wa neh or Captain Pollard his X mark
Joh nes ha dih or James Stevenson his X mark
Hau kau stah or Captain Strong his X mark
So neh a ge or Captain Snow his X mark
Hau neh hoyi oh or Blue Eyes his X mark
Hau nau wah es or Levi Halftown his X mark

Go at kase oh or Billy Shanks his X mark

Hau sa nea nes or White Seneca his X mark

Ho wah do goh deh or George Bennett his X mark

Hoys ta jih or Job Pierce his X mark

Sho nan do wah or John Gordon his X mark

Noh sok dah or Jim Jones his X mark

Shaw neh dih or William Johnson his X mark

Gaw neh do au ok or Reuben Pierce his X mark

Shaw go nes goh sha oh or Morris Halftown his X mark

Shaw go za sot hah or Jacob Jimison his X mark

Gau wa no oh or George Big Deer his X mark

Sho soh do wah or Thomas Jimison his X mark

Joh quee ya suse or Samuel Gordon

Gau ne oh doh or Thomson S. Harris.

Gau yeh queh doh or George Jimison his X mark

Hon non de uh or Natt. T. Strong

Nuh joh gaw eh or Tall Peter his X mark

Sho nauk ga nes or Tommy Jemmy his X mark

So goh gwa us or John Tall Chief his X mark

Shau gau nes es tik or George Fox

Go no dau goyh or Jabez Stevenson

Tit ho yeh or William Jones his + mark

Su ne ak dah gi sne or George White by his agent White Seneca, his X mark

Gau nes doi yeh or John Snow his X mark

Gau ne sa yeh or Walter Thompson, by his agent Daniel Two Guns, his X mark

Kau ga se or Long John his X mark

Gau sa ne doh or John Buck his X mark

Ganuidaiuk or George Lindey

Hoh. ma. ya. wos or Jacob Bennett his X mark

On di ke h oh or John Bennett his X mark

Ni ha nea neat or Seneca White his X mark

Ha dya no doh or Maris B. Pierce.

Yoh deh doh or David White

James Shongo his X mark

Ka non da yyh or William Cass his × mark

Ni ge jös a or Samuel Wilson his × mark

Jo on da göh or John Seneca his × mark

# Tuscaroras.

Kanatsoyh or Nicholas Cusick
Sachanissa or Wm Chew

Kaw we ah ka or Wm Mt Pleasant

Kaurearochka or John Fox his × mark

Gee-me or James Cusick

Sa hee on at hah or John Patterson his × mark

O'tah quaw raw wa or Samuel Jacobs

Ka nah sa ta or James Anthony his × mark

Gau ro quaw or Peter Elm his × mark

Tu nah shea han or David Peter his × mark

Oneidas residing in the state of New York for themselves & their parties

Baptiste Powles his X mark

Jonathan Jordan his X mark

Oneidas at Green Bay

John Anthony his X mark

Honjost Smith his X mark

Henry Jordan his X mark

Thomas King his X mark

A. Regis

Eleazer Williams Chief & Agent for himself & in behalf of the nation

Onondagas residing on the Seneca reservations
Ho no ne ya dos or Silver Smith his + mark
for himself & in behalf of his nation

Hoy é nugh tah or William Jacket his × mark

Sah kū gae ne or Button George his × mark

Principal Onondaga Warriors In behalf of themselves
and the Onondaga Warriors
Ka nóh guen sa or William John his × mark

Dah ga e u dah or Noah Silversmith his × mark

Cayugas

Skōk no eh or William King his × Mark

Gehdáodoh or James Jonny

Guy on weh or Jack Wheelbarrow his × mark

Ki yo ya teh or Joseph Isaac his + mark

for themselves & in behalf of their nation

Principal Cayuga Warriors.

In behalf of themselves & the Cayuga warriors

Hahsohke or John Crow his + mark

Ho na e gōh dah or Snow Darkness his + mark

Gon e ah gu a do or Jacob G. Seneca

De i en use or Sharlley Darkness his × mark

Hon ho gah dyoh or Thomas Crow his + mark

Won aah wā-na-onte or Peter wilson

Soen dagh or Jonathan White his + mark

Jagoganeongwus or Harvey Rowe his × mark

Jogāns ah doh or David Crow his + mark

Joh. win. dah. neh or George Wheeler

De gōh no de nio or Simon Isaac his + mark

He dai soh or Joseph Peter his x mark

Sa go di yet ha or Jacob Jackson his x mark

Witnesses.

James Stryker Sub Agent Six Nations N.Y. Indians

Nathl. T. Strong U.S. Interpreter N.Y. Agency

H. B. Potter

Orlando Allen

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H. P. Wilcox

Chas. H. Allen

Horatio Jones

Spencer H. Cone

Wm. W. Jones

J. F. Schermerhorn

J. Trowbridge

Schedule A

Census of the New York Indians as taken in 1837

Number residing on the Seneca reservations.

| | |
|---|---|
| Senecas | 2309 |
| Onondagas | 194 |
| Cayugas | 130 |
| | 2633 |

| | |
|---|---|
| Onondagas at Onondaga | 300 |
| Tuscaroras | 273 |
| St Regis in New York | 350 |
| Oneidas at Green Bay | 600 |
| Oneidas in New York | 620 |
| Stockbridges | 217 |
| Munsees | 132 |
| Brothertowns | 360 |

The above was made before the execution of the treaty

R. H. Gillet
Commissioner

Schedule B.

The following is the disposition agreed ~~upon~~ to be made of the sum of three thousand Dollars provided in this treaty for the Tuscaroras by the Chiefs & assented to by the Commissioner & is to form a part of the Treaty.

To Jonathon Printup ninety three Dollars.
To William Chew one hundred fifteen Dollars.
To John Patterson forty six Dollars
To William Mountpleasant one hundred & seventy one Dollars
To James Cusick one hundred & twenty five Dollars.
To David Peter fifty Dollars.

The rest & residue thereof is to be paid to the nation

The above was agreed to before the execution of the Treaty

R. H. Gillet
Commissioner

Schedule C.

Schedule applicable to the Onondagas & Cayugas residing on the Seneca Reservations. It is agreed that the following disposition shall be made of the amount set apart to be divided by the Chiefs of these nations in the preceding parts of this treaty any thing therein to the contrary notwithstanding.

To William King one thousand five hundred Dollars.
Joseph Isaacs seven hundred Dollars.
Jack Wheelbarrow, three hundred Dollars.
Silversmith one thousand Dollars.
William Jacket five hundred Dollars.
Button George five hundred Dollars

The above was agreed to before the treaty was finally executed.

R. H. Gillet
Commissioner

## Schedule D.

The United States will pay to the persons named below the sums mentioned for them, as a remuneration for their services in procuring the Green Bay country & for services as delegates in exploring the western country, & for losses sustained in consequence thereof, & for other services, to wit:

To George Jemison, two thousand Dollars.
To Thompson S. Harris twelve hundred Dollars.
To Nathaniel T. Strong, one thousand Dollars.
To Seneca White one thousand Dollars.
To Maris B. Pierce, one thousand Dollars.
To William Johnson, one thousand Dollars.
To James Young one thousand Dollars.
To William King, five hundred Dollars.

The above mentioned sums to be paid to the persons named, on their settling at their new homes at the west.

To William Patterson, Israel Jemison, Little Johnson, White Seneca, Silversmith, Baptiste Poodry, Jonathan Jemison, Martin Lancy, John Anthony, Hongost Smith, Henry Jemison, James Cusick, & James Young, each the sum of two hundred Dollars to be paid when an appropriation is made. 2-17. No.10. to the persons mentioned first deducting the following sums, which have been already advanced to them by J. F. Schermerhorn. to wit. William Patterson one hundred & fifty Dollars - Israel Jemison fifty Dollars - Little Johnson, fifty Dollars, White Seneca one hundred Dollars, James Young, one hundred Dollars & Silver

Smith fifty Dollars, which respective sums have been heretofore advanced by said Schermerhorn, and are to be paid to him. they having been with him on the exploring expedition ot the west.

The above was agreed to as a part of the treaty before the same was finally executed

R. H. Gillet
Commissioner

## Schedule E.

The United States will set apart twenty thousand Dollars to be paid out in erecting dwellings & making inclosures for such pro or persons of the several nations of New York Indians who remove west after their arrival there as shall be designated by the Chiefs of the respective nations, with the assent of the agent, which shall be expended under such regulations as the President shall prescribe, but the Senate shall have the power to reject or modify this provision without impairing the other parts of the treaty.

Whereas the provision in this treaty for a high school or college is supposed not to be large enough to meet the object contemplated it is therefore provided that the sum of twenty thousand Dollars shall be added to the sum so set apart for that purpose, but the Senate shall be at liberty to reject or modify this provision without impairing the other provisions of the treaty.

The above was made out & agreed to, before the final conclusion of the treaty.

R. H. Gillet
Commissioner

**At a Treaty** held under the Authority of the United States of America at Buffalo Creek in the County of Erie and State of New-York, **Between** the Chiefs and Head Men of the Seneca Nation of Indians duly assembled in Council and representing and acting for the said Nation on the one part and Thomas Ludlow Ogden of the City of New York and Joseph Fellows of Geneva in the County of Ontario on the other part, Concerning the purchase of the right and claim of the said Nation of Indians in and to the lands within the State of New York remaining in their occupation — Ransom H. Gillet Esquire the Commissioner appointed by the President of the United States to attend and hold the said Treaty, and also Josiah Trowbridge Esquire the Superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said Treaty, the said Chiefs and Head Men on behalf of the said Seneca Nation did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase All the right, title, and claim of the said Seneca Nation of, in and to the several tracts pieces or parcels of land mentioned and described in the Instrument of writing next hereinafter set forth and at the price or sum therein specified as the consideration or purchase money for such sale and release; which Instrument being read and explained to the said parties and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following —

**This Indenture**, made this fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, — **Between** the Chiefs and Head Men of the Seneca Nation of Indians duly assembled in Council and acting for and on behalf of the said Seneca Nation of the first part, and **Thomas Ludlow Ogden** of the City of New-York and Joseph Fellows of Geneva in the County of Ontario of the second part — **Witnesseth**, that the said Chiefs and Head Men of the Seneca Nation of Indians in consideration of the Sum of **Two hundred and two thousand Dollars** — to them in hand paid by the said

Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released, and confirmed and by these presents do grant, bargain, sell, release and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows and to their heirs and aſsigns — All that certain Tract or parcel of Land situate, lying and being in the County of Erie and State of New-York, commonly called and known by the Name of The Buffalo Creek Reservation, containing by estimation forty nine thousand nine hundred and twenty acres be the contents thereof more or leſs — Also All that certain other Tract or Parcel of Land, Situate, lying and being in the Counties of Erie, Chautauque and Cattaraugus in said State, commonly called and known by the Name of the Cattaraugus Reservation, containing by estimation twenty one thousand six hundred and eighty acres, be the contents thereof more or leſs — Also All that certain other Tract or parcel of Land, Situate lying and being, in the said County of Cattaraugus in said State, commonly called and known by the Name of The Allegany Reservation, containing by estimation thirty thousand four hundred and sixty nine acres, be the contents thereof more or leſs — And Also All that certain other Tract or parcel of Land, Situate, lying and being partly in said County of Erie and partly in the County of Genesee in said State — commonly called and known by the Name of The Tonawanda Reservation and containing by estimation twelve thousand eight hundred acres, be the same more or leſs; as the said several Tracts of Land have been heretofore reserved and are held and occupied by the said Seneca Nation of Indians or by Individuals thereof — Together with all and singular the rights, privileges hereditaments and appurtenances to each and every of the said Tracts or parcels of land belonging or appertaining; And all the Estate, right, title, interest, claim and demand of the said parties of the first part and of the said Seneca Nation of Indians of in and to the same and to each and every part and parcel thereof — To have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, their heirs and aſsigns, to their proper use and behoof forever, as joint Tenants and not as Tenants in Common —

**In Witneſs** whereof, the parties to these presents have hereunto, and to three other Instruments of the same tenor and date, —

one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Seneca Nation of Indians, and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably Set their hands and Seals the day and year first above written

Little Johnson his X mark
Daniel Two Guns
Captain Pollard his X mark
James Stevenson his X mark
Captain Strong his X mark
Captain Snow his X mark
Blue Eyes his X mark
Levi Halftown his X mark
Billy Shanks his X mark
White Seneca his X mark
George Bennet his X mark
Job Pierce his X mark
John Gordon his X mark
Jimy Jones his X mark
William Johnson his X mark
Ruben Pierce his X mark

Morris Halftown his X mark

Jacob Jimeson his X mark

George Big Tree his X mark

Thomas Jimeson his X mark

Samuel Gordon

Thomson S. Harris

George Jimeson his X mark

Nathl. T. Strong

Tall Peter his X mark

Tommy Jimmy his X mark

John Tall Chief his X mark

George Fox

Jabez Stevenson

William Jones his + mark

George White, by his agent White Seneca, his X mark

John Snow his X mark

Walter Thompson by his agent David Two Guns, his × mark

Long John his × mark

John Buck his × mark

George Lindsay

Jacob Bennett his × mark

John Bennett his × mark

Seneca White his × mark

Maris B. Pierce.

David White

James Shongo his × mark

William Cass his × mark

Samuel Wilson his × mark

John Seneca his × mark

Signed, Sealed & delivered in the presence of

James Stryker

Nathl. T. Strong }
Spencer H. Cone } Interpreters

H. B. Potter

Chas. H. Allen

At the before mentioned Treaty held in my presence as Superintendent on the part of the Commonwealth of Massachusetts and this day concluded, the foregoing Instrument of writing was agreed to by the contracting parties therein named and was in my presence executed by them and being approved by me I do hereby certify and declare such my approbation thereof.

Witness my hand and seal at Buffalo Creek this fifteenth day of January in the year 1838.

J Trowbridge

I have attended a treaty of the Seneca nation of Indians held at Buffalo Creek in the county of Erie in the State of New York on the fifteenth day of January in the year of our Lord one thousand eight hundred & thirty eight, when the within instrument was duly executed in my presence by the Chiefs of the Seneca nation being fairly & properly understood by them. I do therefore certify & approve the same.

R. H. Gillet
Commissioner

**At a Treaty** held under the Authority of the United States of America at Buffalo Creek in the County of Erie and State of New-York, Between the Sachems, Chiefs and Warriors of the Tuscarora Nation of Indians duly Aſsembled in Council and representing and acting for the Said Nation on the one part and Thomas Ludlow Ogden of the City of New-York and Joseph Fellows of Geneva in the County of Ontario on the other part, concerning the purchase of the right and claim of Said Nation of Indians in and to the Lands within the State of New-York remaining in their occupation Ransom H. Gillet Esquire the Commiſsioner appointed by the President of the United States to attend and hold the Said Treaty, and also Josiah Trowbridge Esquire the Superintendant on behalf of the Commonwealth of Maſsachusetts, being Severally present at the Said Treaty, the Said Sachems Chiefs and Warriors on behalf of the Said Tuscarora Nation did agree to sell and release to the Said Thomas Ludlow Ogden and Joseph Fellows, and they the Said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase All the right, title and claim of the Said Tuscarora Nation of in and to the ~~[illegible]~~ Tract piece or parcel of Land mentioned and described in the Instrument of writing next hereinafter Set forth and at the price or Sum therein Specified as the consideration or purchase money, for such Sale and release; which Instrument being read and explained to the Said parties and mutually agreed to was Signed and Sealed by the Said contracting parties and is in the words following:

**This Indenture,** made this fifteenth day of January in the Year of our Lord one thousand eight hundred and thirty eight, Between the Sachems, Chiefs and Warriors of the Tuscarora Nation of Indians duly Aſsembled in Council and acting for and on behalf of the Said Tuscarora Nation of the first part, and Thomas Ludlow Ogden of the City of New-York and Joseph Fellows of Geneva in the County of Ontario of the Second part Witneſseth that the Said Sachems, Chiefs and Warriors of the Tuscarora Nation in consideration of the Sum of Nine thousand Six hundred Dollars — to them in hand paid by the said Thomas Ludlow Ogden and Joseph — Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released and confirmed and by these presents do grant, bargain, sell, — release and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows — and to their heirs and aſsigns All that certain Tract or Parcel of Land — Situate lying and being in the County of Niagara and State of New-York commonly called and known by the Name of The Tuscarora Reservation or Seneca Grant containing Nineteen hundred and twenty acres be the — Same more or leſs, being the Lands in their occupancy and not included in — the Lands conveyed to them by Henry Dearborn **Together** with all and — Singular the rights privileges hereditaments and appurtenances to the said — Tract or parcel of Land belonging or appertaining And all the estate right title interest claim and demand of the said party of the first part and — of the said Tuscarora Nation of Indians of in and to the Same and to — every part and parcel thereof **To have and to hold** all and Singular — the above described and released premises unto the said Thomas Ludlow — Ogden and Joseph Fellows, their heirs and aſsigns, to their proper use and behoof forever, as joint Tenants and not as Tenants in Common —

**In Witneſs** whereof the parties to these presents — have hereunto and to three other instruments of the Same tenor and date, one to remain with the United States, one to remain with the State of — Maſsachusetts, one to remain with the Tuscarora Nation of Indians — and one to remain with the said Thomas Ludlow Ogden and Joseph — Fellows, interchangeably set their hands and seals the day and year — first above written —

Nicholas Cusick

Wm Chew

Wm. Mt Pleasant

John Fox his × mark

James Cusick

John Patterson his X mark

Samuel Jacobs

James Anthony his X mark

Peter Elm his X mark

Daniel Peter his X mark

Sealed and delivered in the presence of

James Stryker

R. H. Gillet

Chas. H. Allen

J. F. Schermerhorn

Nathl. T. Strong U. S. Interpreter

H. B. Potter

Orlando Allen

At the above mentioned Treaty held in my presence as Superintendent on the part of the Commonwealth of Massachusetts and this day concluded the foregoing Instrument of writing was agreed to by the contracting Parties therein named and was in my presence executed by them and being approved by me I do hereby certify and declare such my approbation thereof.

Witness my hand and seal at Buffalo Creek this fifteenth day of January in the year 1838.

J. Trowbridge
Superintendent

I have attended a treaty of the Tuscarora nation of Indians held at Buffalo Creek in the County of Erie in the state of New York on the fifteenth day of January in the year of our Lord one thousand eight hundred & thirty eight when the within instrument was duly executed in my presence by the Sachems Chiefs & Warriors of the said nation being fairly & properly understood & transacted by all the parties of Indians concerned & declared to be done to their full satisfaction. I do therefore certify & approve the same

R. H. Gillet
Commissioner

25th Congress, [Confidential.] 3d Session.

# IN EXECUTIVE SESSION—SENATE UNITED STATES.

February —, 1839.

Mr. Sevier made the following report; which was read, and ordered to be printed, in confidence, for the use of the Senate.

*The Committee on Indian Affairs, to whom was referred the President's message of the 21st of January,* 1839, *transmitting a treaty, as amended by the Senate, which was negotiated by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, &c. of the New York Indians, &c., report:*

That the original treaty was concluded on the 15th of January, 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of the New York Indians, and which treaty, thus concluded, was, on the 23d day of April, 1838, transmitted by the President for the advisement and consent of the Senate.

On the 11th of June, 1838, this treaty was considered by the Senate, and on that day was ratified on certain conditions. These conditions were that the treaty should be modified and amended in several essential particulars, and that these amendments or modifications should be fully and fairly explained to each tribe separately, assembled in open council, and that a majority of the chiefs should voluntarily and freely assent to each and all of the amendments made by the Senate. This being done, it was the sense of the Senate that the treaty should, in that event, be binding and complete, and in failure thereof, that the treaty should have no force or effect.

The committee have endeavored to ascertain if the treaty, *as amended*, had been fully and fairly explained in open council to each tribe separately assembled; and with this view they have carefully examined all the documents submitted with the treaty, and have had before them several witnesses, whose testimony they have taken—and submit the same herewith, with this report—and after this examination, and after hearing this testimony, which was taken in the presence of the commissioner and of the agent of the Senecas, and in the presence also of the respective delegations of Senecas, one of which is in favor of, and the other against the treaty as amended, they are *unanimously of opinion* that the amendments aforesaid were fully and fairly explained to the Indians referred to, in open council, to each tribe separately assembled.

The next inquiry with the committee was to ascertain if the amended treaty, when explained as above stated, had been freely and voluntarily assented to by a majority of the Senecas.

In respect to all the tribes except the Senecas, the application appears to have been satisfactory to the Executive; and there being no question submitted as to the assent of the other tribes, the committee have confined themselves exclusively to an inquiry into the assent given to the amendments by the Senecas, and have endeavored to ascertain if a majority of the chiefs of this tribe had freely and voluntarily assented to the amendments, according to the terms of the resolution of the 11th of June, 1838.

Upon this branch of the subject the committee have had much difficulty; and to solve these difficulties, they have consulted the documents aforesaid, and have heard testimony.

It appears from the testimony that the treaty-making power with this tribe is vested in, and is exercised by, the chiefs. It appears from the testimony of the agent of the tribe, and from the testimony of the chiefs who testified before us on the side of the treaty or emigrating party, that the number of the chiefs is eighty-one; and on the other hand, it is sworn to by those opposing the treaty, and who are against emigrating, that there are upwards of ninety chiefs of the Senecas; and it is proved that, during the sitting of the council, which lasted for weeks, that the greater part of those chiefs attended the council occasionally, and as many as sixty at a time. It appears from the letter of Mr. Gillet, dated Washington, 25th of October, 1838, on page 13 of the written document, addressed to Mr. Crawford, of the Indian Bureau, that “the Seneca nation is divided on the question of emigration;” that “there is a large and highly respectable and intelligent portion who are the unwavering friends of emigration, while another considerable portion appear to be its inflexible opponents.” “There is a third class who do not appear to have sufficient independence of mind and character to be described as belonging to, or acting with, either party, and while the current of their feelings seems to be with the emigration party, they are often restrained from action by the threats and compulsion of the opposite party.” He adds, “this was the condition of the tribe at the opening of the council.”

At page sixteen of the same document, in the letter aforesaid, the commissioner, after describing the course he had taken to obtain signatures of assent to the amended treaty, by obtaining leases for them, &c., he states, “I presented the manuscript copy of the amended treaty to which I had attached a written assent. I informed the council that those who chose to do so, could sign it, and those who, from fear or other cause, preferred signing at my room in presence of myself, the superintendent from Massachusetts, the agent, and such other persons as might be present, might do so. I then received sixteen signatures, and, subsequently, at my room, in presence of General Dearborn, thirteen, and two other signatures at the rooms of chiefs, who were too unwell to attend council, making in all thirty-one chiefs. These were all by persons who understood the subject, and were freely and voluntarily given.”

At page eighteen of the same document, the commissioner sums the details of his negotiation, which was signed, as before stated, by thirty-one chiefs, by saying, “the question then arises, is it necessary to have the names of all the chiefs on the reservation? If so, it was not sufficiently signed in my presence; if not, need it be more than a majority of all who attended the council? This is what is usually required in legislative bodies, and reasoning from analogy, the assent is sufficiently signed. If it requires a majority of all who, from time to time, may have been, for short periods, at council, it is not in my power to give you the necessary information whereon to decide.” The commissioner then concludes his report by saying, “in the foregoing statement, I have stated every thing which I suppose at all material to a right understanding of the whole matter, including all the facts which either the friends or opponents of emigration could desire," &c.

The above the committee consider the substance of Mr. Gillet's report; and for fear of doing injustice, have quoted his own language, and given, as it is entitled to receive, the most implicit credence to the whole of his statement; and after doing so, the committee are unanimously of opinion, that the assent of the majority of the chiefs of the Seneca nation, or of those who attended the council during its sitting, had not been obtained at the date of that report. And in this light it appears to have been viewed by the Executive, or else he would have disposed of it, as he did of the other tribes who were parties to this treaty. But the commissioner made another report, which we will now examine. Having failed, as the Executive evidently considered, in obtaining such an assent to the amended treaty as the resolution of the Senate required, he was despatched a second time to the Senecas; and, in his report of his doings in this second mission, he says, in his second report to the commissioner, at page 19 of same document, "You have heretofore received a full report of all that transpired prior to your instructions of the 30th of October last. On the receipt of those instructions," (what those instructions were, have not been made known to the committee,) "I repaired to Buffalo, New York, for the purpose of carrying them into effect. On my arrival there, I was joined by General Dearborn, the superintendent appointed by the Governor of Massachusetts, who continued with me until the close of my visit there. He was present and witnessed every signature to the assent except one, which was taken while he was confined to his room by indisposition. Soon after my arrival there, I directed the United States sub-agent to give public notice that I was present, and was authorized to receive the signatures of such chiefs as desired to give them; and that the superintendent from Massachusetts was also present to discharge the duty assigned him by the authorities of his State. After this notice, ten additional names were received to the assent, making, in all, *forty one*."

The above is all that is contained, in the opinion of the committee, in the second report, materially bearing upon the subject now immediately under consideration; and the analysis of the whole of the two reports is, that sixteen chiefs signed the amended treaty in open council; thirteen in his room, in person, or by attorney; two at their own houses, where they were sick; and ten on the second mission, acting under the instructions of the 30th of October; making in all forty-one; being only a majority of one: and that majority is made by rating the chiefs at the lowest estimate. This number has been increased by three additional names, which have been forwarded since the treaty has been under consideration, which increases the number of those who have assented to forty-four. If these forty-four had signed the amended treaty in open council, the committee would consider that the requirements of the Senate had been complied with, at least with the appearance of having a majority. But it is in vain to contend that the signatures of the last *ten*, which were obtained on the second mission, or of the three who have sent on their assent lately, is such a signing as was contemplated by the resolution of the Senate. It is competent, however, for the Senate to waive the usual and customary forms in this instance, and consider the signatures of these last thirteen as good as though they had been obtained in open council. But the committee cannot recommend the adoption of such a practice, in making treaties, for divers good reasons, which must be obvious to the Senate; and among those reasons, against these secret, individual negotiations, is the distrust created that the chiefs, by so acting, are doing what a majority of their people do not approve of, or else that they are improperly acted upon by bribery or threats, and unfair influences. In this case we have most ample illustrations. Those opposed to the treaty accuse several of those who have signed their assent to the amended treaty with having been bribed; and, in at least one instance, they make out the charge very clearly.

In the Indian lands there are two separate interests of our own citizens; the one are the lessees of the Indians, and the other the pre-emptive claimants; and these two white interests seem to be as violently arrayed against each other as are the two divisions of the Indians themselves; and, as active partisans, take sides with the Indian party according to their interests.

The above are the leading facts of this negotiation; and the committee, being but four in number, have been unable to agree upon any recommendation to the Senate other than to submit the facts; and this they do for the future action of the Senate.

O. I. A. New York. G 231.
Hon. R. H. Gillet.
Buffalo C. Resn. Jany 6. 1838.

States that the terms of a treaty have been agreed upon with two of the Six Nations, & hopes to close the whole business in a satisfactory manner, the ensuing week. That it is rumored, that certain white men have secretly got up a remonstrance against a treaty, & have to it some Ind. names. — Knows nothing, except from report, of it. —

Has adjourned the council till Monday, but will then resume & continue it, until the whole is closed. —

File

Recd 16 Jany 1838.

Wa File.

Buffalo Creek Reservation
January 6. 1838

Sir,

The terms of a treaty are agreed upon
ith two of the six Nations, & I hope
he ensuing week will close the whole
in a manner satisfactory to the Government
f Indians. Rumour says that certain
hite men have secretly got up a
emonstrance against a treaty & have
o it several Indians names. This being a secret
matter, I know no more of it than
umour tells. It is not the work of the
ouncil.

Yesterday I was compelled to adjourn
he council here until Monday as
y strength would not permit me
o hold a council today. I hope by
Monday to be able to resume business
 continue it until the whole is
closed.

Your obt servt
R. H. Gillet

A. Harris Esq
Com. Ind Affs.

## Payments

| | | |
|---|---|---|
| Jany. 17. 1838. | Cash | 5.00 |
| | Fur cap at Stocking | 10.00 |

Mr Fellows' note of
$30. to be paid —
21. more by Mr F.
100. by [illegible]
26. [illegible] Indie F.
as J. S. [illegible]

171
15
192.

Baptiste [illegible]

It is agreed between Heman B. Potter of the City of Buffalo of the first part and Seneca Jones of Moscow of the second part –

That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the West of the Mississippi River and shall sell their lands in this state to the pre-emptive owners upon negotiations now pending – and in case the said Seneca Jones shall faithfully cooperate with, and aid the said Heman B. Potter and his associates as he may be advised from time to time by his services & influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty between the said tribe and the said proprietors for the effectual release & extinguishment of the Indian title of, in, and to the said reserved lands – which the said Seneca Jones hereby agrees to do – And if such treaty shall be made and shall be thereupon ratified by the Senate of the United States – then the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his associates, to pay or cause to be paid to the said Seneca Jones the sum of four hundred dollars in three months after notice of such ratification

Witness our hands & seals this 20 Jany. 1838.
In presence of

H. B. Potter
H. P. Willey
Seneca Jones

Augt 1. 1837

Money paid the Western Delegates
their departure

$30. For value received I promise to pay Joseph Turrom or order thirty dollars on demand with interest. Brothertown January 20. 1838

his
Baptiste + Powles
mark

E1

~~Stopped [illegible]~~

2

Seneca S Jones

9 2.11—

Baptiste Powlas

$30

O. I. A. New York. G 234.
Hon: R. H. Gillet —
Buffalo Resn Jany 13. 1838.

Says that his treaty with the Indns is drawn & agreed upon, satisfactorily to them, & will be signed soon —

Complains of the delay of the Ogden Co, who own the preemption, in making their arrangements with the Indians. —

Will continue the council as long as may be necessary to preclude all possible excuses from accidents & uncontrollable events, & then close it, whether the Ogden Co. is ready or not.

{ Recd 22d Jany 1838.

File.

Buffalo Creek Reservation.
January 13. 1838

Sir,

My treaty with the Indians is drawn & agreed upon. It is satisfactory to them & will be signed by the requisite number of the nations in attendance. But one thing delays me. The Ogden Company who own the preemption have not made their arrangements with the Indians so as to reduce them to writing. The agent of the Company here has limited powers & cannot act to the extent necessary without orders. The Trustees of the Company are not here, though apprised of the necessity of being in attendance. This conduct on their part is highly censurable, & seems to be trifling with the Government, which is at so much expense in holding the council. If neither the welfare of the Indians, nor the policy of the Government were concerned in the continuance of the council, I would dismiss it instantly, & leave these men to get possession of their lands at some distant day when they would attend to business, & at a council to be held entirely at their own expense. This inexcusable delay may entirely change the aspect of things here. I shall continue the council so long as shall be necessary to foreclose all possible excuses from accidents & uncontroulable events, & then close whether they are ready or not. The Government now occupies, in this matter a position creditable to itself which must not be changed.

Your obt servt
R. H. Gillet

C. A. Harris Esq
Com. Ind Affs.

To H. B. Potter

Please to pay the amount of the within contract to J. F. Schermerhorn who is hereby authorised to receive & receipt for the same

Jan 25th 1838

Witness
E. Williams

his
John X Antonia
mark

---

Recd Of H B Potter Five Hundred Dollars in demands against Jno Anthony & a Note for $1287.18. of R. Tittolins turned out without recourse in payment of this & other Contracts

Amount of Anthony's acct 107.75
392 25
500 00

N.Y. July 11. 1840.

J. F. Schermerhorn

Wm Antonius

colored

It is agreed between Heman B. Potter of the City of Buffalo of the first part and Erastus Sparrow of the same place of the second part -

That in case the Seneca tribe of Indians shall accept the offers of the government of the United States for their removal to the west of the Mississippi river and shall sell and release their lands in the State of New York to the preemption owners upon negotiations now pending between said government + proprietors and the said Indians, by a valid ~~treaty and an~~ effectual release, which shall be thereupon ratified by the Senate of the United States, and in favor of the ratification whereof the said Erastus Sparrow shall render his influence ~~said~~ - Then + upon those conditions precedent, the said Heman B. Potter stipulates and agrees for himself and his associates to pay or cause to be paid to the said Erastus Sparrow in six months after notice of such ratification a sum not exceeding in amount two thousand dollars to be applied upon the demands due from the Indians to said Sparrow + others whom he represents + for whom he acts as trustee, including Wm Ketchum upon his assigning and delivering to said Potter, his + their claims and demands against said Indians, to an amount equal to the amount so paid or to be paid as aforesaid - In witness whereof the parties have hereunto set their hands + seals this 26th day of Jany. 1838 -

H. B. Potter

E Sparrow

Duplicate -

E. Sparrow has in due time presented accounts which are embraced by the within contract and liquidated to the amount of fifteen hundred & thirty two dollars and Wm. Ketchum's is liquidated to the sum of one hundred & sixty eight dollars - the whole being $1700 - and I admit that said Sparrow has complied with the terms of the contract on his part. -

Dec. 18. 1841 -

H. B. Potter

O.I.A. New York. G237.
Hon. R. H. Gillet.
Buffalo N.Y. Jany 18. 1838.

Ackn. receipt of letter of 11th inst.

States, that there are Oneidas there from Oneida Castle & Green Bay; but none of them have power conclusively to bind their nation. The arrangement made & signed by those from Oneida Castle, is much more in conformity with the views of the Govt, than the treaty of last year; & that prepared for the Green Bay band is identical with Mr Schermerhorn's treaty, except the location of the country West, for them & a provision for their impts & a few other small particulars. Thinks those at this city will sign it, when recd here.

Recommends that the last year's treaty be not confirmed

Reports his progress — Says there are many things connected with the course of those who oppose the treaty, which he must communicate, when he has time —

(Recd 27 Jany 1838.

Ansd 7-9 Feby 1838.

Buffalo Creek Reservation
January 18th 1838

Sir,

Your letter of the 11th inst. came to me this morning, in which you inquire concerning the situation of the Oneidas here, & whether a confirmation of Mr Schermerhorn's treaty of last year, so far as it relates to them will interfere with my views & measures: In answer I have to state, that there are Oneidas here from Oneida Castle & from Green Bay. None of them profess to have power conclusively to bind their nation. Each is disposed, when he acts, to do so for himself & for his own tribe or clan, & not for the whole nation, or the whole of either of the two branches of which it is now composed. The arrangement made & actually signed, by those from Oneida Castle, is much more in conformity with the views of the Government than the last years treaty, while that which I have prepared for those at Green Bay is identical with Mr Schermerhorn's treaty except a location of the Country at the west for them, & a provision concerning their improvements when they actually remove, & some other small particulars which will make it quite as acceptable to those at Washington as the old treaty & more so to the Government. I expect a few of the Oneidas from Green Bay will sign & I have no doubt that those at Washington will do so, on the arrival of the treaty.

I would recommend that that treaty be not confirmed. The one drawn by me & which is mostly executed presents the whole of the New York Indian affairs in a condensed form & I have full confidence that it will meet the views of all better than the one of last year.

The business with the Tuscaroras is entirely completed. That with the Oneidas at the Castle, as far as the powers of those present will permit it to be done. That with the Onondagas here is substantially completed. I hope finally to close with the Senecas tomorrow or next day. I have nearly as many names as are deemed important with the treaty. The weather is so stormy & the travelling so bad that none but the healthy & athletic can get to the Council house at present. There are many things connected with the course of those who oppose the treaty that I shall deem it my duty to communicate when I have time to do so.

In great haste. Your obt servt
R. H. Gillet

C. A. Harris Esq
Com. Ind. Affairs.

It is agreed between Heman B. Potter of the City of Buffalo of the first part and Spencer H. Cone of the Tonnawanda Reservation of the 2d. part. That in case the Seneca tribe of Indians shall accept the offers of the Government of the United States for their removal to the West of the Mississippi River and shall sell their lands in this State to the preemptive owners upon negotiation now pending- And in case the said Spencer H. Cone shall faithfully cooperate with and aid the said Heman B. Potter and his associates as he may be advised from time to time by his services and influence at councils confidential interviews and on all proper occasions for the purpose of effecting a treaty with the Government and between the said tribe and the said proprietors for the effectual release and extinguishment of the Indian title of in and to the said reserved lands- Which the said Spencer H. Cone hereby agrees to do ~~and to sign said treaty and release~~ And if such treaty shall be made and shall be thereupon ratified by the Senate of the United States, then, and upon those conditions the said Heman B. Potter who is authorised to act in the premises for said proprietors hereby stipulates and agrees for himself and his associates to pay or cause to be paid to the said Spencer H. Cone the sum of one thousand dollars in three months after notice of such ratification; And that the said Spencer H. Cone shall be entitled to a Lease from the said preemptive owners or their Trustees of about fifty acres of land on the Tonnawanda reservation, including about 18 acres now occupied and improved by him north of the Tonnawanda Creek- lying and being northerly of William Parker's farm ~~for the term~~ about half a mile from said creek, for the term of ten years from the date of said Treaty, determinable whenever he shal cease to live on and occupy the same — said lease to be executed as soon after said treaty as said Reservation shall be surveyed into lots, so that the land to be leased can be described more conveniently. Witness our hands & seals this 31st day of Jany. 1838 —

In presence of
Samuel Gordon

H. B. Potter
Spencer McCone

Spencer [illegible] Moore

Amt of this Contract
Credited on a/c
$1.000

Recd payment in full of the within
Contract of H. B. Potter.

2 mo
1838

(copy) 2 mo-1838

To the Honorable the Senate of the United States:—

The undersigned citizens of the County of Chatauque, Respectfully Represent:— That they have recently learned, that a treaty has been made by commissioners acting under the authority of the Government of the United States with a portion of the Chiefs, Headmen and Warriors of the Seneca nation of Indians, for the cession of their land. This nation of Indians reside in our immediate neighborhood, and occupy small, but valuable reservations in this county and the adjoining Counties of Erie and Cataraugus. The contiguity of their residence has brought us into an acquaintance with their habits, circumstances, wants and wishes, and led us to take an interest in their welfare. We cheerfully bear testimony to their general honesty and quietness of demeanor, and, at the same time, lament the prevailing improvidence and frequent destitution which with some honorable exceptions prevail amongst them. With the exception of their improvidence and want of thrift, we are not aware that any cause of complaint exists against them.

We are sensible that if their reservations should pass into more enterprising hands, the interests and prosperity of this section would be promoted; and we are not now intending to call in question the soundness of the policy which would encourage this people to remove to the

2 mo-1838

Territory set apart for the Indians beyond the Mississippi. But whilst we admit the benefits that would result to the white population from their removal, & concede to the proper authorities the right to adopt such measures for the protection and advancement of the Indian tribes, as they shall deem expedient, we ought feel called upon to protest against any unfair or iniquitous proceedings, on the part of the agents of the government, in their dealings with those tribes. We have been desirous, that our Indian neighbors might judge it for their interest to emigrate; but no motives of interest can induce us to to approve of that result, if effected by deception, fraud, or violence.—

We are credibly informed, that the recent treaty has been obtained by taking advantage of the necessities of the Indians, and by artifice and imposition. Of the chiefs and warriors who attended in council, only a minority could be prevailed upon to sign it, as it is reported to us by those in whom we have confidence. About forty, we are told, did sign the treaty, twenty four of whom signed in open council, and the others, as they could be induced to do it, by the arts and entreaties of the agents of those who claim the preemption of the Indian lands, when they shall be vacated by their present occupants. Several of those who did sign were intoxicated when they did it, and others were induced to do it by hopes of receiving large rewards therefor. The head chiefs who signed, we are told, were promised from one to three thousand dollars each, and the warriors from fifty cents to fifty dollars. Joseph* Snow, one of the chiefs who signed the treaty, has delivered to the nation a promise in writing, which he received as we are informed from Heman B Potter, an agent of those who claim the pre emption, assuring him, that if the treaty is carried into effect, he shall receive one thousand eight hundred dollars. Of those who signed several have changed their minds, and desired the commissioners to erase their names, but this request has been refused.

At the close of the council which is alleged to have made the treaty, it was agreed, that the treaty should be laid before the nation in order to ascertain the views of the people at large relation to it. The Senecas, have four reservations, viz. at Tonewanda, Buffalo, Cattaraugus, and on the Allegheny river. At Cattaraugus, about fifty chiefs and warriors voted in favor of the treaty, and four hundred and fifty are said to have opposed. Of those who live on the Allegheny, ten were in favor and ab [illegible] hundred, opposed. At Tonewanda, two were in favor, and about six hundred opposed. At Buffalo a large majority are said to have opposed the treaty.

We are informed, that there is a perfect willingness on the part of the Indians to have their lands equitably divided, so that each individual

# I think this should be John Snow see 3-1-1838 p. 11 + 4 Mo 13-1838

in the nation shall hold his portion of their land in severalty, with full power to dispose of it and emigrate when he chooses; but they are unwilling that a minority of their chiefs, under the influence of large personal rewards should be permitted, under the sanction of the Government of the United States, to dispossess the entire nation. Were we to express an opinion on the subject, we should say, that probably the views of the Government would be more readily effected by such an arrangement, and the interests of the more industrious portion of the nation advanced. That such a course does not appear to be in accordance with the policy of the government.

Believing as we do, that there is reason to apprehend that the recent treaty with the Seneca Indians was improperly obtained, we ask, that it may not be confirmed, until it shall be shown by a thorough investigation, that the agents of the government have acted in good faith in the matter; and that those whom the government are bound to protect have not been induced to part with their possessions by the acts and management of those who hope to profit by their removal. We would also call the attention of your Honorable Body to the fact, that the Senecas have not yet received their annuities for the last year as we are informed; and that the suffering and destitution occasioned by this neglect and the failure of their crops, com

-tributed greatly to bring about the result of which they complain – Should an investigation be ordered, which we believe due to justice and necessary to protect the rights of the feeble, we would suggest the propriety of having it conducted by competent persons in the immediate vicinity of the place where the occurrences complained of are alleged to have happened.

Chautauque County N. York Feb. 1838

Wm P. Tinkcom
Lorenwell Greely
P. P. Stetgar
Cory Miles
Wm D. Bond
S. W. Stetson
George A. S. Crooke
A. Smith

E. T. Foote
J. B. Campbell
T. Freeman
B. Walworth
Judges of the Court of Com. Pleas of Chautauque Co. N.Y.
G. W. Tew Clerk
J. Southland Sheriff
G. A. Green
E. T. Warren
C. Tucker
F. H. Ruggles
E. Mallett
Chas. H. Williams
G. W. Newcomb
N. Burwell
E. B. Forbes
D. Mann
A. Hazeltine
Saml. A. Brown
Dist. atty of said county
P. R. Carter
A. Richmond
Anselm Potter
Attorneys

Ellis S Spencer
S H Woodward Crier of the court
A W Murry D. Shff
Wiseman C Nicholls under Shff
Chauncey Staunty
R C Dickson
John P. Paul

E A Lester
C. Smith
Oliver Lee
D Matteson
Isaac Bumpus
Richard W Rodgers
Laurin A Saylor
J

T. R. Reynolds
Allen Dunham
Lorenzo Bliss
John S Atherly
Henry Baker
Wm Hall
Elisha Norton
Elijah Brawley
Daniel Hooker
Theron Bly
Asahel Clark
Orrin Norton
Barnard W Field.

I certify that the foregoing ~~twenty~~ names are the names and signatures of the entire grand Jury now in session at the Feb. Term of the court of general sessions of Chautauque county —

G. W. Parr Clerk

Cl Van Buren
Walter Chester
H Patchen
J. H. Davis
Levi T Reed
Otis Stillman
Henry Baker
Hiram S Bly
Preserved J Corbin
Caleb Sweet
Nathan Mixer

M Van Dusen
S B Brown
Wm Townsend
George Hart
Orrin Hopkins
William Green
Moses Hill
Mark Rock
Peter Myers
Adnah Howe
Elias Cooley

E P Phinney
E F Meller
George Bardwell
Lewis Smith
David Declon
Richd Milling
Isaac Eddy
Noah Sherman
Daniel P Bowdish
Reuben W Towner
M Strope
John Wells
John Townsend
Daniel Shears
R J Craft
Geo Camp
H. B. Howard
Asa Andrews
Jesse Dunham
Abner [illegible]
Cyrus [illegible]
Pardon [illegible]
Asher [illegible]
Don. C [illegible]
Warner [illegible]
Ebenr Moffatt
Jackson Richmond
Daniel Ingalls
David Woodbury
P Shepard
Alvin Plumb
Richard R Binny

Eli Roberts
Erastus Rupel
Humphrey Richardson
Luther Laskin
H S Walker
A. N. Godfrey
Wm McLean
Wm Henry
Cyrus Rents
John R Ryndon
Silas Holmes
Artemus [illegible]
Calvin Story
Robert A. Searle
A Nobles
L Pennington
Joseph Carr
William [illegible]
William [illegible]
Samuel [illegible]
[illegible]
P[illegible]
N B Hapgood
Levi Crandall
~~[illegible]~~
Levi [illegible]
Thos. [illegible]

Andrew Frank　　Aaron Grimes

Sant Truckom　　Darius Talman

Copy of memorial of Judge Foote & others of New York in behalf of the Senecas

# TREATY

BETWEEN

# THE UNITED STATES OF AMERICA

AND THE

# *FIRST CHRISTIAN AND ORCHARD PARTIES*

OF THE

# ONEIDA INDIANS.

CONCLUDED FEBRUARY 3, 1838—RATIFIED MAY 17, 1838.

# MARTIN VAN BUREN,

## PRESIDENT OF THE UNITED STATES OF AMERICA.

### To all and singular to whom these presents shall come, Greeting:

WHEREAS, a treaty was made at the city of Washington, on the third day of February, one thousand eight hundred and thirty-eight, between CAREY A. HARRIS, thereto specially directed by the President of the United States, and the First Christian and Orchard parties of the Oneida Indians residing at Green Bay, by their chief and representatives; which treaty is in the words following, to wit:

*Articles of a treaty, made at the city of Washington between Carey A. Harris, thereto specially directed by the President of the United States and the First Christian and Orchard parties of the Oneida Indians residing at Green Bay, by their chiefs and representatives.*

ART. 1. The First Christian and Orchard parties of Indians cede to the United States all their title and interest in the land set apart for them in the 1st article of the treaty with the Menomonies of February 8th, 1831, and the 2d article of the treaty with the same tribe of October 27th, 1832.

ART 2. From the foregoing cession there shall be reserved to the said Indians to be held as other Indian lands are held a tract of land containing one hundred (100) acres, for each individual, and the lines of which shall be so run as to include all their settlements and improvements in the vicinity of Green Bay.

ART. 3. In consideration of the cession contained in the 1st article of this treaty, the United States agree to pay to the Orchard party of the Oneida Indians three thousand (3,000) dollars, and to the First Christian party of the Oneida Indians thirty thousand five hundred (30,500) dollars, of which last sum three thousand (3,000) dollars may be expended under the supervision of the Rev. Solomon Davis, in the erection of a church and parsonage house, and the residue apportioned, under the direction of the President among the persons having just claims thereto; it being understood that said aggregate sum of thirty-three thousand five hundred (33,500) dollars is designed to be in reimbursement of moneys expended by said Indians and in remuneration of the services of their chiefs and agents in purchasing and securing a title to the land ceded in the 1st article. The United States further agree to cause the tracts reserved in the 2d article to be surveyed as soon as practicable.

ART. 4. In consideration of the sum of five hundred (500) dollars to be paid to him by the chiefs and representatives of the said parties of Oneida Indians, John Denny (alias John Sundown,) their interpreter agrees to relinquish to them all his title and interest in the tract reserved in the 2d article of this treaty.

ART. 5. It is understood and agreed that the expenses of this treaty and of the chiefs and representatives signing it, in coming to and returning from this city, and while here, shall be paid by the United States.

ART. 6. This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.

In witness whereof, the said Carey A. Harris and the undersigned chiefs and representatives of the said parties of Oneida Indians have hereunto set their hands at the city of Washington, this third day of February 1838.

C. A. HARRIS.

*First Christians.*
Henry Powles, his x mark
Daniel Bread
Adam Swamp, his x mark
John Denny, *alias* John Sundown,
his x mark

*Orchard.*
Jacob Cornelius.

In presence of
Geo. W. Jones,
*Del. Wis. Ter.*
Solomon Davis
Alfred Iverson
O. S. Hall
Jas. P. Maury
Charles E. Mix
Charles J. Love
John Denny, *alias* John Sundown,
[his x mark,] *Interpreter.*

NOW, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered the said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twelfth day of May, one thousand eight hundred and thirty-eight, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this seventeenth day of May, one thousand [L. S.] eight hundred and thirty-eight, and of the Independence of the United States the sixty-second.

M. VAN BUREN.

By the President:
JOHN FORSYTH,
*Secretary of State.*

(Copy)

I hereby acknowledge that ~~the~~ Hon. R. H. Gillet Commissioner on the part of the United States for holding a Treaty with the Six Nations of New York Indians, has deposited with me for safe keeping a duplicate Conveyance or Deed of Cession from the Chiefs and Headmen of the Seneca Nation of Indians, to Thomas Ludlow Ogden and Joseph Fellows, bearing date the fifteenth day of January 1838, at the request of the said Chiefs and Headmen, which said Conveyance or Deed of Cession ~~are~~ is to remain in my possession until after the ratification of the Treaty between the said Commissioner and the said Six Nations, and until the consideration money mentioned in the said Conveyance or Deed ~~is paid by the Grantees~~ and all other moneys ~~and all~~ which the grantees ~~are~~ may be liable to pay to parties interested, are actually paid or secured.

Dated at Buffalo February 3d 1838

Signed Heman B. Potter

# INDIAN TREATIES,

RATIFIED

AT THE CALLED SESSION OF 1837,

AND THE

SESSIONS OF 1837–38, & 1839.

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WASHINGTON:

1839.

# ONEIDAS AT GREEN BAY.

[CONCLUDED FEBRUARY 3, 1838—RATIFIED MAY 17, 1838.]

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## MARTIN VAN BUREN,

### PRESIDENT OF THE UNITED STATES OF AMERICA.

*To all and singular to whom these presents shall come, Greeting:*

WHEREAS, a treaty was made at the city of Washington, on the third day of February, one thousand eight hundred and thirty-eight, between CAREY A. HARRIS, thereto specially directed by the President of the United States, and the First Christian and Orchard parties of the Oneida Indians residing at Green Bay, by their chief and representatives; which treaty is in the words following, to wit:

*Articles of a treaty, made at the city of Washington between Carey A. Harris, thereto specially directed by the President of the United States and the First Christian and Orchard parties of the Oneida Indians residing at Green Bay, by their chiefs and representatives.*

ARTICLE 1. The First Christian and Orchard parties of Indians cede to the United States all their title and interest in the land set apart for them in the 1st article of the treaty with the Menomonies of February 8th, 1831. and the second article of the treaty with the same tribe of October 27th, 1832.

ARTICLE 2. From the foregoing cession there shall be reserved to the said Indians to be held as other Indian lands are held a tract of land containing one hundred (100) acres, for each individual, and the lines of which shall be so run as to include all their settlements and improvements in the vicinity of Green Bay.

ARTICLE 3. In consideration of the cession contained in the first article of this treaty, the United States agree to pay to the Orchard party of the Oneida Indians three thousand (3,000) dollars, and to the First Christian party of the Oneida Indians thirty thousand five hundred (30,500) dollars, of which last sum three thousand (3,000) dollars may be expended under the supervision of the Rev. Solomon Davis, in the erection of a church and parsonage house, and the residue apportioned, under the direction of the President among the persons having just claims thereto; it being understood that said aggregate sum of thirty-three thousand five hundred (33,500) dollars is designed to be in reimbursement of moneys expended by said Indians and in remuneration of the services of their chiefs and agents in purchasing and securing a title to the land ceded in the 1st article. The United States further agree to cause the tracts reserved in the 2d article to be surveyed as soon as practicable.

ARTICLE 4. In consideration of the sum of five hundred (500) dollars to be paid to him by the chiefs and representatives of the said parties of

Oneida Indians, John Denny (alias John Sundown,) their interpreter agrees to relinquish to them all his title and interest in the tract reserved in the 2d article of this treaty.

ARTICLE 5. It is understood and agreed that the expenses of this treaty and of the chiefs and representatives signing it, in coming to and returning from this city, and while here, shall be paid by the United States.

ARTICLE 6. This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.

In witness whereof, the said Carey A. Harris and the undersigned chiefs and representatives of the said parties of Oneida Indians have hereunto set their hands at the city of Washington, this third day of February 1838.

C. A. HARRIS.

*First Christians.*

Henry Fowles, his x mark.
Daniel Bread
Adam Swamp, his x mark.
John Denny, *alias* John Sundown, his x mark.

*Orchard.*

Jacob Cornelius

In presence of—

Geo. W. Jones, *Del. Wis. Ter.*
Solomon Davis
Alfred Iverson
O. S. Hall
Jas. P. Maury
Charles E. Mix
Charles J. Love
John Denny, *alias* John Sundown, [his x mark,] *Interpreter.*

NOW, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered the said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twelfth day of May, one thousand eight hundred and thirty-eight, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this seventeenth day of May, one thousand eight hundred and thirty-eight, and of the Independence of the United States the sixty-second.

[L. S.]

M. VAN BUREN.

By the President:

JOHN FORSYTH,
*Secretary of State.*

1838. ✓

Treaty with the first Christian and Orchard parties of the Oneida Indians residing at Green Bay.

Concluded Feby. 3d. 1838.

Ratified May 17th. 1838.

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Recd

✓

Martin Van Buren,

President of the United States of America.

To all and singular to whom these presents shall come,

Greeting:

Whereas, a treaty was made at the city of Washington, on the third day of February, one thousand eight hundred and thirty-eight, between Carey A. Harris, thereto specially directed by the President of the United States, and the first christian and orchard parties of the Oneida Indians residing at Green Bay, by their chiefs and representatives; which treaty is in the words following, to wit:

#232

Articles of a treaty, made at the city of Washington between Carey A Harris, thereto specially directed by the President of the United States and the First Christian and Orchard parties of the Oneida Indians residing at Green Bay by their chiefs and representatives.

Art. 1. The First Christian and Orchard parties of Indians cede to the United States all their title and interest in the land set apart for them in the 1st. article of the treaty with the Menomonies of February 8th. 1831. and the 2nd article of the treaty with the same tribe of October 27th. 1832.

Art: 2. From the foregoing cession there shall be reserved to the said Indians to be held as other Indian lands are held a tract of land containing one hundred (100) acres for each individual, and the lines of which shall be so run as to include all their settlements and improvements in the vicinity of Green Bay.

Art: 3. In consideration of the cession contained in the 1st. article of this treaty, the United States agree to pay to the Orchard party of the Oneida Indians three thousand (3000) dollars, and to the First christian party of Oneida Indians, thirty thousand five hundred (30.500) dollars of which last sum three thousand (3.000) dollars may be expended under the supervision of the Revd. Soloman Davis, in the erection of a church and parsonage house, and the residue apportioned, under the direction of the President among the persons having just claims thereto; it being understood that said aggregate sum of thirty three thousand five hundred (33.500) dollars is designed to be in reimbursement of monies expended by said Indians and in remuneration of the services of their Chiefs and agents in purchasing and securing a title to the land ceded in the 1st. Article. The United States further agree to cause the tracts reserved in the 2d article to be surveyed as soon as practicable

Art: 4. In consideration of the sum of five hundred (500) dollars to be paid to him by the chiefs and representatives of the said parties of Oneida Indians, John Denny (alias) John Sundown, their Interpreter agrees to relinquish to them all his title and interest in the tract reserved in the 2d article of this treaty.

Art: 5. It is understood and agreed that the expenses of this treaty and of the chiefs and representatives signing it, in coming to and returning from this city, and while here, shall be paid by the United States.

Art: 6. This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.

In Witness whereof, the said Carey A Harris and the undersigned chiefs and representatives of the said parties of Oneida Indians have hereunto set their hands at the city of Washington, this third day of February 1838.

C. A. Harris.

First Christians, Henry his x mark Powles

Daniel Bread

Adam his x mark Swamp

John Denny, his x mark alias John Sundown orchard,

Jacob Cornelius

In presence of

Geo. W. Jones, Del. Wis. Ter.

Solomon Davis

Alfred Iverson

O. S. Hall

Jas. P. Maury

Charles E. Mix

Chas. J. Love

John Denny his x mark alias John Sundown, Interpreter

Now, therefore, be it known, That I, Martin Van Buren, President of the United States of America, having seen and considered the said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twelfth day of May, one thousand eight hundred and thirty-eight, accept, ratify, and confirm the same, and every clause and article thereof.

In testimony whereof, I have caused the Seal of the United States to [illegible] hereunto affixed, having signed the same with my hand.

Done [illegible] the city of [illegible]shington,
thi[illegible]nth day
of May, one thousand
eight hundred and
thirty-eight, and of the
Independence of the
United States the sixty-second.

M. Van Buren

By the President.

John Forsyth Secretary of State.

For the Secty of
War –
P 1317 May 15. 1838
Indian Office.

[illegible] 244.
Resolution.
Senate. May 12. 1838.

Ratifying the Treaty of
3d Feby 1838, with the First Christian & Orchard parties of the Oneida Indians, residing at Green Bay &c

Respectfully referred to
the Department of State.
Off. Ind. Affs.
May 16. 1838.
C. A. Harris
Com

Recd 16th May 1838.

Recd at the Dept of State May 16 1838

Mr Dickins.

In Senate of the United States,
May 12th 1838.

Resolved, (two thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the Treaty made at the City of Washington, on the 3d day of February, 1838, between Carey A. Harris, thereto specially directed by the President of the United States, and the first christian and orchard parties of the Oneida Indians residing at Green Bay, by their Chiefs and representatives. —

Attest.

Asbury Dickins.
Secretary.

# 232

O. I. A. New York. G 255.

Hon. R. H. Gillet.

Buffalo. Jany 31. 1838.

Reports that he has concluded a treaty with the N.Y. Inds; or rather seven treaties, combined in one — Says no time has been unnecessarily spent in the business. Will immediately settle all demands against the Govt, on a/c of the negotiation, make his family a visit, & in person bring on the treaty. Brings it in person for 3 reasons: 1st, Because the mode of transmitting it was not directed by this Office. 2d. To answer any verbal enquiries, which this Off. may wish to make. 3d. Because the Inds have requested him by letter to do so —

File

Recd 8 Feby 1838.

File.

Buffalo Creek Reservation
January 31. 1838

Sir,

I am happy to inform you that I have covered up the council fire, & have concluded a treaty according to your wishes, or rather seven treaties combined in one. Though the council was long in session, it must readily be seen, that no time has been unnecessarily spent in the business. This number of treaties could not have been made in a shorter period. I shall immediately settle all demands upon the Government, growing out of the negotiation & make my family a brief visit & in person bring you my treaty at as early a day as possible. I shall bring it in person for three principal reasons. First that you did not direct the mode. Second. You may wish to make many verbal enquiries on subjects that may not be mentioned in my report. Third. The Indians have addressed me a letter, of their own accord, desiring me to [redacted] carry the treaty to you.

Yr. obt. servt.
R. H. Gillet

C. A. Harris Esq
Comr. Ind. Affairs

It is agreed between Herman B. Potter of the City of Buffalo of the first part, and Joseph Clary Moses Bristol and Peter Curtiss of the same place, of the second part - as follows -

That in consideration of services heretofore rendered by the said party of the second part for the purpose of effecting a treaty between the Government of the United States and the Seneca nation of Indians for their removal to the west of the State of Missouri, and by which the said Indians should sell their lands in this State to the preemption owners - and in consideration of other services to be performed by them in favor of the ratification of said treaty by the Senate of the United States, as they shall be advised from time to time by the said party of the first part and his associates - which they hereby engage to perform - and in case the said treaty shall be ratified as aforesaid - Then and upon that condition and upon those considerations the said Herman B. Potter for himself and his associates hereby engages to pay or cause to be paid to the said Clary, Bristol and Curtiss the sum of four thousand dollars in six months after notice of such ratification -

Witness our hands & seals this 15th day of Feby 1838 -

In presence of

H. B. Potter
Joseph Clary
Moses Bristol
Peter Curtiss

Recd. June 24th. 1845 from H. B. Potter a Deed of lots Nos. 339. & 340 of the Buffalo Creek Reservation in the town of Hamburgh dated Jany. 1. 1845, and a note made by him and Orlando Allen dated Nov. 1. 1844, ~~their on behalf~~ and also another Deed for lot 375. on said tract, in said Town, dated Jany. 1. 1845, which, on behalf of myself and the other partys of the second part, within, are accepted in full, settlement & liquidation of the within contract for the payment of four thousand dollars —

Peter Curtiss

O. I. A. New York. G 261.

Hon. R. H. Gillet.

Ogdensburgh. Feby 9. 1838.

Has recd letter of 29th ulto, & will comply with the request to send on his treaty, tomorrow after a copy is completed. Promised the Inds to bring on the treaty in person. As soon as he returns from St Regis, will repair to Washn to explain the treaty, & says this Off. will be fully satisfied with every part of it —
Presumes the Oneidas here will assent to the treaty &c. Thinks this Off. should not assent to last years treaty, until it sees him, & hopes no arrangt will be made until then, which will be within a week, after the receipt of this. Will send a report, as soon as he can prepare it,

On settling for the provisions, found he had not sufficient funds & drew upon this Off. for the balance. Gives reasons, for his estimates not being correct —

Recd 16 Feby 1838,

file

W a File.

Ogdensburgh Feby 9. 1838.

Sir,

Just as I was leaving Buffalo on the evening of the 5th inst. I received your letter of the 29th ult. in which you request me to send you my original treaty, & to take a copy to St. Regis & obtain the assent of the proper persons there to it. As I had no copy of it, I could not immediately comply with your request. I had duplicates of the treaty - one I deposited with the agent for the Indians. A copy however will be completed tomorrow, when your request shall be complied with. Before the treaty was signed, I was requested to carry it myself to Washington. The ground of that request, I can only immagine, & will verbally explain them hereafter. I promised to do, as requested. If your request does not absolve me from the obligation, I fear there will be some dissatisfaction among many of my Indian friends.

As soon as I return from St. Regis, I intend to repair to Washington, & explain to you fully all the reasons for whatever there is in the treaty, or has been omitted, which you might have expected to find in it.

When explained, you will be fully satisfied with every part & parcel of the treaty, though at first you may see no good reason for some provisions in it.

The Indians at Washington, I presume, will assent to the present treaty without hesitation. The schedule applicable to them in the last years treaty is not appended to that instrument. Until I see you, I am of the opinion that you should not assent to that paper. Whether it is legitimately a part of last years treaty or not, I cannot say, but it forms no part of mine. I hope you will make no arrangements concerning similar matters until I see you which will be within a week after you receive this letter. I shall send you a written report of some length as soon as I can prepare it.

On finally settling with the persons who furnished provisions for the Indians, I found that I had not sufficient funds to pay up & consequently drew upon you for the balance. The war on the frontier enhanced

the price of provisions to a considerable extent,
& there were several claims made which were
deemed proper & just, that I did not expect
when I estimated the amount necessary to
settle all accounts - these things account for my
under estimate.

Your obt servt

R. H. Gillet

C. A. Harris Esq
Commissioner of
Indian Affairs

Troy 18 July 1838

Dear Sir

— Mr Ogden is the agent and part owner of some valuable and extensive tracts of land in this State, called "the Indian Reservations"; the preemptive title to which was purchased many years ago by the Company which he represents, from the "Holland Land Company" subject to the native rights of the Indians. This native right they have lately purchased at a treaty held at Buffalo under the authority of the U. S. the State of New York & the State of Massachusetts, by whom the lands were formerly held; and Mr Ogdens business at Washington is to procure if practicable the sanction of the President and Senate to this treaty.

If the business of the Senate in the supervision of such treaties is simply to see that the Indians are fairly dealt with, - assuming that the other party are capable of taking care of themselves - I can say without hesitation, that this is decidedly the most advantageous treaty, on the part of the Indians, that I have ever known them make. Surrounded by lands which are owned by our white population, and which have been selling for a few years past at most extravagant prices, they have become shrewd land speculators themselves, and they will realize in money by this treaty, if carried into effect, more than their lands would ever be worth to them besides receiving a gratuity in new lands west of Lake Michigan, of greater value than all they part with -

It would be very gratifying to the People of this State, and especially to those who live adjoining to the reservations to have the native right extinguished &

the lands brought into a state of cultivation: & I hope you will find nothing in this treaty that will induce you to withhold your approbation of it.

I am dear sir with great respect

your obedt. servt.

P. B. Porter

Hon. Henry Clay.

Copy of letter from
General Porter to Mr. Clay
dated 18. feby 1838.

2-28-1838

2-28-1838

To the Honourable Samuel Prentiſs member of
United States Senate Washington D.C.

Sir

The undersigned chiefs of the Seneca Nation of Indians, assembled on the Buffalo Creek reservation desire to addreſs you a few words in writing relative to our national buſineſs. We take the liberty, Sir, of forwarding our communication to yourself, in consequence of having become acquainted with your name, as a senator in Congreſs favourable to the cause of justice and humanity. We beg leave therefore to make you a full statement of our grievances, and to solicit your aid in obtaining the redreſs for which we seek. We will now explain the origin and progreſs of our troubles. Three or four years since, in compliance with the solicitations of certain white persons, a delegation was sent by a few of our people to explore the country designated for the emigrant Indians beyond the Miſsiſsippi river. After their return they reported the character of the country to a general Council of our Chiefs and we decided almost unanimously not to accept the offers made us there. Neverthelеſs about a year and a half since the Rev. J F Schermerhorn came among us, stating that he was sent by the United States Government, to renew their proposals to the Six Nations on the subject of emigration, and we again informed him in open Council that we were fixed in our determination to have nothing to do with that subject.

But notwithstanding [illegible] these assurances, he returned [illegible] last summer, and told us he was appointed commiſsioner from government to transact buſineſs with the Senecas, and he had now come to take another delegation beyond the Miſsiſsippi. This statement he did not make in council but privately to individuals. As an instance of his proceedings he sent Mr Allen from Buffalo with James Young, a Cayuga Indian, as Interpreter to induce Capt. Cole, an Onondaga Chief residing with us to call on him at his private room in Buffalo.

2-28-1838

-dated

When there he informed him that Government had changed their course and had instructed him to select his delegation, on his own responsibility, instead of allowing the Indians to choose them as heretofore that therefore he had selected him for one, and had appointed James Young to be his interpreter. He then offered him Fifty dollars for the use of his family during his absence, and Fifty dollars pocket money, besides agreeing to clothe him in the style in which gentlemen dress among the whites, and to defray all the expenses of the journey; expressly charging him not to disclose any of these offers, or any of the conversation which passed between them. "Let it remain" said he "with you two only and let others find it out when we are gone. It will be time enough for them to know it then: now therefore promise me that you will go with me." He moreover informed him, that he designed to take one delegate from each of the Six Nations except the Senecas from whom he would take two; but that he would choose them all himself, in the same manner he had chosen him without consulting the feelings of the people.

Capt Cole replied "I cannot yet give my answer. I am a man of weight. I cannot move myself. I must leave it to the Chiefs to move me as they please. I shall lay the matter before them." Accordingly, on his return to the City, he related the whole conversation to the Seneca Chiefs. We were alarmed and sought to know whether he had done the same with any of our chiefs: but none would make any disclosures. We then resolved to write Mr Schermerhorn and inform him that this is not our mode of doing business. We cannot ourselves select those who transact our business would be utterly improper for him to make a private We also told him he was transgressing the law of Nations uniformly transact business between each other publicly United States have always done with us in times past. They come in broad daylight, and have declared their business in open council. This new procedure seems to us new and unaccountable. Having finished our letter we committed it to the care of our agent, Judge Stryker, to be delivered as soon as possible to Mr Schermerhorn. But the first we knew we found his p

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men on board a Steam Boat just ready to start for the West and some of them were of the number of our Chiefs.

This much we have thought proper to state of the commencement of our difficulties by means of Mr Schermerhorn. We have cause to believe he pursued a similar course with each of the six Nations. We wish to know therefore whether it proceeds from our Father the President that this course so directly in the face of our recent decision to reject the Western country should be taken with us.

We wish to take the liberty of stating our own conjecture as to the cause of it. We have three young men one of whom has told us that he has had intercourse with the Preemption Company before they went to the Secretary of War - directly afterwards they went to Mr Schermerhorn in private - They were perfectly unauthorised by our chiefs [illegible] to him of their own accord we will give their names [illegible] George Jimeson, Thompson S. Harris and [illegible] have done in violation of our established rule that all [illegible] with another Nation shall be done in public.

We believe them guilty of a great [illegible] are ignorant whether or not our [illegible] given them their instruction how [illegible] drawn over our Chiefs. This [illegible] they have held intercourse with [illegible] as the picked delegation [illegible] was commenced in [illegible]

We will name [illegible] men, [illegible] Agent. George [illegible] them were [illegible]

This was [illegible] Three Hundred dollars for their influence in favour [illegible] to others various sums in some cases as high as Fifteen Hundred while to others deeds of individual reservations of lands were pledged after the people were removed. These operations were carried forward during all the while the opposing party were absent.

Petition by J Ross &

Furthermore from the fact that Dr Wilcox Judge Stryker and Mr Allen have been frequently passing to and from Washington it seems evident that they have been holding consultations with the President as well as with the Company for the accomplishment of their designs. Nevertheless we have not sent them and our Chiefs are kept in utter ignorance of the business when they are gone. We feel that it is not our fault that they expend so much money only we fear and believe that it is the object of that party to get the exclusive benefit of our money by such proceedings. Mr Schermerhorn told us that he had received an appointment from Government to treat with us: but we find there is also a new Commissioner Mr Gillet. We will now therefore give an account of the transactions at the recent Council.

It was appointed to commence on the 16th of December but having been delayed for various reasons till the 21st the new Commissioner opened a general Council of the Six Nations at our Council House with a speech in which he told us he had been sent to transact business on the part of the Government and that whatever he did should be done openly and without concealment for he had not two tongues, that the current ran always the same way that whatever he should perform should be done in the sight of all as he had been instructed by our Father the President. But he would explain he said how very kind was the offer which our Father the President was about to make us. He then laid before us all the advantages of the Western Country, described the benefits we derive from emigration, how long the President would [illegible] We think we fully understood his propositions, but we beg leave to refer you to the treaty itself for particulars.

Some of our Chiefs have signed the treaty but we do not allow their act and shall pay no regard to it.

We wish to state now the manner in which it was effected. Great efforts were made to obtain signatures by bribery and intimidation many were induced to sign for their own private benefit.

Others by the representation that it was a hopeless case and they might as well yield first as last. On account of these things we have regarded the council as not properly and legally conducted and have thought that the government ought not to sanction its proceedings

After the commissioner had delivered his message we wished according to our custom to assemble and discuss it among ourselves alone but he insisted on being present and for a long time refused our request and when after many days he consented we were unable to agree in any thing

The Commissioner together with Mr Schermerhorn, Judge Stryker (our Agent) Genl Potter, Mr Allen and others, the agents of the Co. put up at a tavern about 3/4 of a mile from the Council House. Liquor was sold at that tavern and there all the Chiefs who were in favor of emigration held their private councils. There also during the prog[illegible] of the council we ourselves saw some of their party both Chiefs [illegible] Warriors drunk. From that house after having contrived their plans have issued forth those whose business it was to bribe our [illegible] people. Their favorite time for doing this was in the night especially if they wished to entice a Chief of some influence [illegible] respectability. At the house of such they would call at a late hour and endeavor to draw them to that tavern. And notwithstanding Rev. Kettle constantly remonstrated in the council against such proceedings and told the Commissioner [illegible] for him to put up at such a place, where [illegible] to be sold; that it was wrong also to allow of [illegible] bribe the Chiefs; that if such things were [illegible] regard his proceedings as [illegible] that he would immediately [illegible] should he continue to allow of such things

Mr Gillet replied that he does not give them the liquor [illegible] and that moreover in all the treaties which he had ever [illegible] of such things were uniformly practised in the presence of the Commissioner. he said also he had read that in all the recent treaties certain of the Chiefs received pensions as a private compensation.

Big Kettle objected furthermore in Council that he ought not to call in individual Chiefs & hold private consultations with them at his lodgings; but he contended it was proper for them to come in order in order that they might ask explanations & fully understand his intentions: which Big Kettle thought ought to be done before the Council but he notwithstanding gave a general invitation and urged every one to call on him. We will mention also some of his remarks at other times. Once during the Council "What will our Father the President do to us if we refuse to make the treaty". His answer was "He will punish you as a Father punishes his disobedient child unless you do as he desires. He will turn your face where he wishes to have you go before he stops punishing you." Then he went on to threaten that the laws of the State should be extended over us in punishment and that the privileges we now enjoy should be taken away from us, that we should lose our annuities and lose our agent and that these things should be given to the party which might consent to emigrate. Some of the less firm in mind among our chiefs and people believed and were intimidated by these threats. He said also that Congress were seeking to prevent any one from assisting us; and that if any white person should give us advice or in any way help us to retain our lands in opposition to the will of the Government he should be punished with a fine of from one to two thousand dollars.

Then it seemed that we had no help left for us. Some of our chiefs were intimidated by this also and thought we might as well submit; for he told us that Congress had passed a law to this effect. and all the good people were agreed to it

Many other things befel us which it would be tedious to mention but we will notice this, during the progress of the negotiations, some of the friends of the treaty told us that they had tried all in their power to induce the Commissioner to make the treaty on the ground that an equitable division of our property might be made between the two parties, and those who wish be allowed to sell their part and go. and the rest be permitted to retain their possessions and remain.

These things were not said in open Council: but at the tavern where he put up. Now for ourselves we think that such an arrangement would have been very hard upon our party.

Although we think a reasonable compromise would have been fair and honourable for all parties, and we cannot tell through whose fault it could not be effected, whether it was against the will of the Government or only against the will of the Preemption Company or whether after all it was only contrary to the feelings of those Chiefs who by signing were to receive their farms or full pay for their improvements or as in some cases a specified sum of money: inserted in those contracts, at least several which we have seen, were on the condition that a sale of all the land should be effected and the treaty ratified by Congress. and so of course they would not receive their pay unless the land should be all sold. We have been thus particular in order that the proceedings of the Council might be fully understood by [illegible] and also by our Father the President who ought to be [illegible] acquainted with the doings of those whom he sends to [illegible] his business. At length Mr Gillet proposed in Council [illegible] treaty on the table before us. and gave an opportunity [illegible] wished to come forward and affix to it their signatures.

We replied in open Council "We will not sell our lan[illegible] fully [illegible] in remaining where we are" We said [illegible] relation to those who really wished to go that we [illegible] no objection, we would [illegible] of the public property and dispose of it [illegible] said to the [illegible] willing an equitable division should be made [illegible] that the only right course for this would give equal justice and give universal satisfaction. After the Council had been one or more in session. the treaty was brought in and read to us having been prepared by some one in private, and without our knowledge of its provisions. It was then laid upon the table for signatures.

+ Then it was we learned that notwithstanding our remonstrance a full and final sale of our lands on the Alleghany & Cattaraugus

Buffalo, and Tonawanda Reservation was expressed in the treaty. We were surprised when we learned this, for on two of these Reservations scarce a person is to be found who is in favor of emigration, and on all of them the great mass is opposed to it. We replied in Council that we were extremely dissatisfied and determined not to sell all our lands. We rebuked those chiefs who were willing for thus attempting to sell the property of the Nation against the will of the other chiefs and exhorted them repeatedly not to sign the treaty. Notwithstanding all, some of our brethren did come forward and affix their names. Twenty six of those who called themselves Chiefs did this in our sight in open Council. When the Commissioner told us that the treaty would be laid on the table from day to day for signatures we also said to him we would have a remonstrance against it laid upon the table by its side and give an opportunity for opposing signatures at the same time. He replied we might do as we pleased but he should pay no regard to it at all. Sixty three then came forward and signed the remonstrance against the Sale and treaty who also signed themselves as Chiefs. These all signed the remonstrance on the first day it was laid on the table.

Then commenced a series of most vigorous exertions to obtain signatures on the part of the White men and the Indians who were in their interest. Some of their party (Mr Allen of Buffalo and White Seneca) once went 10 Miles to find a man who was sick in the woods and obtained a written permission from him to have his name affixed to the treaty. This they did privately, for the man had not attended Council nor even heard the treaty, we have been told and can furnish evidence of the fact that they paid him five dollars for his name. They did not hesitate to start in the night and travel thirty miles to find the Chiefs, they ran to and fro continually and exerted all the influence in their power by whatever means. All the additional names after the twenty six above mentioned were put on in private. we saw none of them put on although the treaty lay upon the table in the day time from day to day.

One man who had signed at the private room in the tavern rose up in Council and told the Commissioner, he wished to take off his name from the treaty for he had been overpersuaded to sign and had been deceived in the contract for a bribe and he brought the twenty five dollars secret money which he had received and laid it upon the lap of Genl Potter agent of the Preemption Co and told him to do what he pleased with it for he had imposed upon him in their private interview. This was done in presence of the whole council.

As to their private operations of course we know but little except as we have heard reports from one and another. We know not what or how many names they have obtained in private.

We acknowledge nothing but what was done in public as in any respect the doings of the Nation. We are not ashamed of the things which we do or of those which we have told you.

We are not ashamed to have them laid before the public, the Com[illegible] or the delegation sent by the opposing party to Washington & they [illegible] which are true and capable of proof.

One thing more. There was a Commissioner said to have been appointed on the part of the State of Massachusetts, Dr Trowbridge whose name is said appears on the treaty as a witness: but we never saw him sign his name and it was not done in Council [illegible] we know any of the witnesses to sign the treaty. We have no reason to believe any witness did sign it in the council.

We mention this because heretofore all such signatures [illegible] affixed in open Council and we consider it [illegible] of a treaty that they should.

The Council House was not [illegible] treaties. Then how can we [illegible] from us a treaty. We have been told that it was the [illegible] will and that of Congress that we should go. that the warriors would be driven off that if we did not go our Father would [illegible] us for our disobedience: that the Governor of this state is of the same mind; and they have read his message to prove that he will extend over us the laws of the State if we refuse; that our domestic and our Agent should be taken away; and especially that all our opposition will prove in vain; that they would not break up the Council till they had finished a treaty; that if only a few, perhaps fifteen (which is only about one sixth part of those who are regarded Chiefs) should sign it will insure its ratification and that it is therefore a hopeleſs case and we may as well yield first as last. Now what fears, and what bribes, were used in private it is impoſsible for us to tell. We know, that much of that sort was done in private from the disclosures of some of our brethren.

We will only add it was the real true expreſsion of our hearts when we said in Council that we would not accept the propositions made us. This is the only way we can find to promote our welfare and in pursuing this policy we shall always cherish right feelings towards our white brethren.

We still feel willing those should go who wish. But let those who wish remain also. we neither desire or expect any other course to be pursued.

At first sight it is obvious to every one that no man should be deprived of his rights by force. The Members of the United States Congreſs are appointed for the especial purpose of securing justice to all under their care.

In the sight of God who looks upon us it cannot be wrong for us to lay claim to our own rights. And we implore his protection in doing so. We have already yielded much to the whites. We were the original poſseſsors of this Continent but now we have only as it were little spots of ground. And these little pieces we do not like to dispose of. It is the privilege and duty of mankind to judge for themselves what course is most for their benefit. If any wish to emigrate let them exercise their own judgment and act accordingly. If any wish to remain let them do the same.

If then the Senate cannot satisfy themselves what will be an equitable arrangement between our two parties it will be best to send another Commiſsion to ascertain precisely who are for emigration and who opposed to it.

But should such a delegate be sent let him be a just man who will show no partiality and not like those commissioners and agents who have been heretofore wholly on one side. But if the question can be decided now without the trouble of sending again in a manner that shall secure the approbation of all parties, we will sanction the decision with entire satisfaction

Signed with their marks

Big Kettle
James Robinson
Black Smith
Henry Two Guns
John Snow
John Kennedy
George Kenjockety
John Bark
John Gordon
James Shongo
Maris [illegible]
Oliver Silverheels

Buffalo Creek Reservation
Feby 28. 1838.

To the Honourable Saml: Prentiss
Senator in Congress Washington D C

The following were present at the meeting but absent from the signing and marked by Oliver Silverheels by their direction

Israel Jemison
Joseph Snow
John Dennis.
George Deer.

3-2-1838

Buffalo March 2nd 1838

Hon H Clay

Dear Sir

By the delegation I send you more affidavits setting forth further circumstances in connection with the treaty also a copy of those that I sent you before, by which you will ascertain whether or not all the papers have been received – Left as they have been without aid or money from any source they have not been able to send as large a delegation as was originally intended. From a dilemma of this nature the other party have been relieved, as all their services in bringing about the treaty & the effect intended to be produced by taking this useless delegation on to Washington has all been paid by the Government or the Ogden company – Every one of the delegation have been in the employ of the Commissioners since the commencement of the treaty & had it not been for such creatures as these, no shadow of a treaty could have been effected – these very men or some of them were looked up to for council & advice & while they were induced to believe that they were acting as their friends they were under pay in concert with the Commissioners – Apparently, the men who were sent here as negotiators with the Indians were men of character. I knew them well & have known them for some years – Judge Stryker. Gillett Potter & Allen are men of respectable character who I presume are now at Washi But there were others acting as Sub-Commissioners who are entirely destitute of all character & only fit to be used in a ~~limited~~ similar capacity – I speak knowingly upon this subject having boarded in the same house with the whole posse from their coming to their leaving – many a time have I heard them say that they thought it impossible to make a treaty & were obliged to resort to a variety of means to effect their object – such as keeping them separate from each other, & some of them in town here where the other chiefs could not find them &c Since those who are opposed to Emigration first applied to me for counsel I have taken much pains to

3-2-1838 See Minutes page 18.

inform myself as to the true state of facts involving this point in dispute - As I have already stated to you a large majority of the Chiefs are opposed to Emigration & nine tenths of the whole Nation are decidedly in favour of remaining where they are - It is a law & custom with the Indians that the Chiefs at all times shall represent the will of their people & had they done so in this instance no semblance of a treaty could have been made - The same party that are now in favour of removal was created in 1832 when an attempt was also made to remove them, then as now a large number alias majority were opposed to Emigration & the emigration party at that time for the purpose of carrying out their object created a number of Chiefs in hopes of getting a majority. in this they were disappointed & seven who were there (but not legally) made Chiefs - are now down on the treaty - their names will be found in the affidavits - Independent of the fraud & bribery used by the commissioners. there is another reason why I think the treaty should not be ratified - If I remember correctly an abstract of the treaty which I saw in one of our papers stated, that after removal the Indians were to be independent of the Government, that is the Government had no power or control over them. if this is the case it strikes me as conceding too much & very objectionable -

In connection with the whole of this matter & in explanation of the course which I have pursued I can only say, ~~that~~ I have always felt much sympathy for this unfortunate race & when I was called upon for advice I acted as I should in any business transaction - And I would also state that it undoubtedly would be very advantageous to this city & county to have the Indians removed, yet I do not believe it is a wise policy on the part of the Government to concentrate all the tribes in one body, but as that is the avowed intention of the Government I shall not gainsay it. & further if the Government will but treat honestly & fairly with the Indians, as man with his fellow man I will never say one word in their defence yet with such glaring facts as are presented in every act of these commissioners throughout the great length of time that this treaty was protracted, presents a ~~conclusion~~ belief that it was their intention to make a treaty at any rate - All I desire is that the same state of facts could but come before a court & Jury & my word for it these men would be shown up in a light not very desirable – Cannot a Committee be appointed to investigate the facts. Something must be done. These Indians solemnly declare that they will never leave these lands & that they never will be forced from their homes by a meager minority of the Nation. It strikes me, that the history of the last few years ought to be a lesson & a warning to our Government, not to treat slightly the resolves of this injured race. You will see by these men, that they are not the miserable creatures so often represented. Many of them are well educated & all at present peaceful, happy & good neighbours – I trust & believe that every Whig Senator in future will battle to the [illegible] every attempt to force these people from their homes. If they have got to go let them go conten & in good faith with the Government – I hope my dear sir you will excuse the liberty I have taken in addressing myself, as well as directing the [illegible] this matter to you I know of none more able or worthy of their confidence than yourself, which is the only apology I can offer

With great respect your obedient friend

Hon H Clay

C R Ly

Letter to H. Clay

Copy of Letter from
[illegible] Goulds to
Henry Clay
March 2nd 1838

Not in Minutes

The following affidavits will exhibit to the Government of the United States the names of the individuals Commissioners and the means employed by said Commissioners for the purpose of effecting the Treaty with the Seneca Nation of Indians during the months of December and January on the year Eighteen hundred & thirty seven & eight—

These affidavits are made by the individual chiefs and warriors of said [illegible] for the purpose of substantiating the facts set forth in a petition made a few days since and addressed to the President of the United States disclosing in a brief manner the imposition and fraud practiced upon said Nation by said Commissioners which petition was signed by a large majority of the Chiefs representing the Nation.

State of New York
Erie County ss

John Barker a resident and one of the Chiefs of the Seneca nation of Indians being duly sworn deposes and says— That on or about the twenty fourth of January last he was sent for by the Commissioners to come down to the Tavern on the Reservation kept by one Allen that as soon as he came into the room H B Potter Esq of Buffalo took the key and fastened the door and then asked me if I was now willing to sign the treaty I said I would not sign the treaty Potter then said you might as well sign the treaty as it is already made and I will give you twenty five dollars— I declined this also and attempted to leave— Claudius Allen one of the Commissioners then said to me that he had been a friend to me a long time and did not wish to see him go west of the ~~Mountains~~ Mississippi without any money and he would add fifteen more making in all forty for him— To this I would not comply— H B Potter then offered me the lease of three hundred acres of land for ten years & fifty-dollars with right of always residing on the Reservation, One thousand lars in cash if I would sign — I then consented to sign paying me forty dollars in hand under the belief that had a right to remain on the Reservation

Subscribed and sworn this
11th day of Febry 1838
before me D. Tillinghast
Sup. Court. Comr

John Baker X
Witness John Kennedy

Erie County ss

John Tall Chief a resident & one of the chiefs of the Seneca Nation of Indians being duly sworn deposes and says That on the second day of Jany last he was at the Council house on the Reservation in company with the Commissioners when a Treaty was about being made with the Seneca nation — about this time a Company of armed soldiers from the City of Buffalo came up and surrounded the Council House — after having done this they took a number of Indians and carried them off with them — As ~~[illegible]~~ soon as they left Mr Gillet one of the Commissioners said to me now you see what laws the White people have to fix the Indians & a short time afterwards deponent met Orlando Allen also a Commissioner who said to him that he was going round to see the Chiefs as he thought it was his duty — that said Allen told him that a majority of Chiefs had signed the treaty and that he had better sign it and that the Indians had got to move off and if he would sign he would give him five hundred dollars and he would give him five hundred dollars and valued his improvements — Deponent then said if the Indians had got to go he did not wish to stay any longer Allen then said they had you must sign deponent was then in a Tavern kept by one Allen with the door locked — where he did sign —

deponent then believed from what Allen said that a majority of the Chiefs had signed and that the treaty was closed

Subscribed and sworn to
before me the 10th day of Feb 1838
D. Tillinghast
Sup Court Com.

John Tall x Chief
Witness
John Kennedy

State of New York
Erie County ss

Jack Wheelbarrow a resident and one of the Chiefs of the Seneca Nation being duly sworn deposes and saith that William Ring and James Young two persons as Agents in the employ of the Commissioner as this deponent believes came to him the last day of January and said that a majority of the Chiefs had signed the treaty and that he must sign - deponent then said if all had signed he must sign too - and did sign under a full belief that a majority as had been represented had signed - deponent further saith that his name wished to remove deponent was also offered Five hundred dollars if he would sign further saith not.

Subscribed and sworn to
before me the 10th day of Feby 1838.
D. Tillinghast
Sup Court Commissioner

Jack x Wheelbarrow
Witness
John Kennedy

State of New York
Erie County ss

John Seneca a resident and one of the Chiefs of the Seneca Nation of Indians being duly sworn deposes and saith That he was sent for three times to come up to the Tavern on the Reservation kept by one Allen. that when he got there he found the Commissioners - That White Seneca a person as this deponent believes in the employ of the Commissioners told him that the treaty was all made and that the reason he called on him was that he might get all he could for his improvements and further that if there was any wrong done it was done by others and not by him deponent then thought the treaty was made - or he would not have signed and his object intention was mere to get what he could for his improvements & further saith not

Subscribed and sworn to before me
this 10th day of February 1838 D. Tillinghast.
Sup. Court Com.

John X Seneca
Witness
John Kennedy

The before mentioned John Seneca Jack-Wheelbarrow John Parks and John Tall Chief were sworn to the foregoing affidavits by me through John Kenne who was by me sworn as interpreter between and said affi as to the contents of said affidavits

Feb 10th 1838
D. Tillinghast
Sup: Court Comm

State of New York.
County of Erie ss -

Big Kettle a resident an one of the Chiefs of the Seneca nation of Indians being d sworn deposes and says that he has been a chief in the

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nation since the year 1814 – That he is well acquainted with all the persons who have legally been made Chiefs since that time and that John Gordon – Jacob Jemison Morris Halftown Squire Reuben Pierce Wm: Shanks Nathan^l: Strong George Jemison Thomas Jemison George Fox & Isaac Stevenson who have signed the treaty are not chiefs and have no right or power to ratify or make a treaty for our nation and deponent further saith that he was in attendance at the Council house on the Reservation where all business is transacted for the benefit of the Nation and where all treaties should be made that he saw the Commissioners at all times when they were present there and that no treaties are binding upon the Nation made elsewhere and that up to the time that the Commissioners left the Reservation but twenty three Chiefs had signed the treaty in Council and it is a custom and law of the Nation and has been ~~since~~ from the settlement of the Six nations that all chiefs must and shall be elected by a majority of the nation represented in Council and deponent further saith that he believes there are now living but fifty one chiefs made in this way and that all those made in any other manner have no right nor power to make treaties. Deponent further says that there are ten Chiefs on the Tonawanda Tribe or Reservation not one of which have signed the treaty all being present at the Council and deponent further saith that thirteen chiefs made so by the six nations) have signed the treaty – deponent further saith that John Barker one of the chiefs told him that he had been bribed to sign – that Orlando Allen of Buffalo one of the Commissioners gave him two dollars to sign a small piece of paper and told him that by and bye he would give him one thousand dollars more that he has not yet received the last sum – And

t further says that he has been offered twenty sum
individually if he would sign and obtain other signatures
treaty all of which the deponent considered in the
bribery and fraud and would not consent to do
further saith not.

ed and sworn be-
the 15 day of Feby 1838 Witness
n John Kinney a sworn

Big X Kettle

John Kenney

D. Tillinghast
Sup: Court Commissioner —

te of New York }
County of Erie } ss:

George Lindsay a resident
ne of the Chiefs of the Seneca Nation being duly
n deposes and says That he met one Allen
s of the Commissioners on the Reservation about the
fifth day of January last. he told said Allen he
ded an Axe Allen told him that if he would go down
the Tavern he could get an order for one — deponent
nt down to the Tavern with said Allen who told him to
up stairs where he expected to find the Agent and get an or-
der from him — As soon as deponent entered the door
the top of the stairs from one on the outside fastened it
d Clark Allen the Commissioner told the deponent
t he had better sign the treaty that they had so many
mes on the treaty it would become a law — deponent
n said that as they were always lying there at the tavern
d he did not believe there had so many signed —

Allen then said you do not believe it! I will
hew you — he then went into the other room and brought
t a piece of paper which had on the names of "[illegible] Chiefs

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Henry Two Guns Blue Sky Jesse Spring Jonas Halftown and several others deponent cannot recollect who have never signed the treaty. Deponent told him that he did not wish to sign. Allen then told him he had got to go at any rate and as a great friend of his he advised him to take he had better take what he could get. Allen then offered deponent fifty dollars if he would sign — deponent again said he did not wish to sign. but those to whom he looked up to had signed — he would. Allen then paid deponent fifty dollars and said that was more than he had paid any other — deponent then signed but would not have done so did he not believe from what Allen said that a majority had signed — deponent further says he has been offered large sums if he would get Big Kettle and others to sign further says not.

Subscribed & sworn to this
t day of February 1838
D. Tillinghast
Sup Court Commissioner

George Smiling
Witness
John [illegible] Kennedy

State of New York }
County of Erie } ss

William Cast a resident and one of the Chiefs of the Seneca nation being duly sworn deposes and saith that Daniel Two Guns and Sam Gordon persons in the employ of the Commissioners as deponent believes came to deponents house about the 18 of Jany and told deponent he had better sign the treaty as all the Seneca chiefs had — that now was the time to get if any thing if he wished that if he did not sign he would not get much for his improvements — if he did he would get the full value that all the Chiefs who sat on his end of the Council house had signed long since and only sat there to deceive the Chiefs who were opposed that John Kennedy and his father have signed and al others; that William Carrie the Commissioner for that are opposed would turn against them as soon got to Washington. Deponent did not wish to but believing from what was said that a majority also signed the Treaty.

Subscribed & sworn to
me this 15 day of February 1838

William X Cast

P. Tillinghast
Sup Court Commissioner

Witness
John Kennedy

Erie County ss.

John Kennedy a resident of the Seneca Nation being duly sworn says that he had never signed the treaty above alluded to.

Subscribed & sworn to before
me the 15 day of February 1838.

John Kenedy

P. Tillinghast
Sup Court Commissioner

I certify that the above named William Cast was sworn before me by and through John Kennedy a sworn interpreter.

P. Tillinghast
Sup Court Commissioner

Cattaraugus County ss:

Jacob Jimeson, John Gordon and Long John Chiefs of the Seneca Nation of Indians residing on the Allegany Reservation in the County of Cattaraugus and State of New York being duly sworn do each for himself depose as follows That they were present at the Council of the Six Nations held on Buffalo Reservation in the County of Erie and which commenced on or about the sixteenth day of December last past – That at said Council there was present a Commissioner on the part of the U. States who had an Instrument in writing purporting to be a formal treaty between the United States and the Chiefs and Warriors of the Six nations for the sale of their several reservations in this State and for their removal therefrom (as stated) That these several deponents in common with all the Chiefs and Warriors on the Allegany reservation were and still are opposed to selling out or removing from said reservation –

That there was present at said Council about ninety Chiefs of the Seneca Nation – That the said commissioner produced the said treaty at said Council and wanted to have the same signed by the Chiefs – only twenty three of whom there signed – That afterwards the said treaty was kept for signing by other Chiefs at a public house in the vicinity of the Council house – That various pretences were used to persuade to some of their Chiefs to sign the same. sometimes pretending that enough had signed to make the treaty binding on the part of the Chiefs and that others must or might sign as the land was sold at any rate – and if they signed each signer could make some provision for himself, which those who refused could not have – That during the sitting of the Council there were persons engaged constantly in importuning and persuading the Chiefs who had not signed to sign the said treaty holding forth to them the pretences aforesaid

& also promising to pay various sums of money and to some
in quantities of land and other inducements -- That these
ponents refused to sign the said treaty - That the money
tered and inducements were urged upon them by the
sons aforesaid - And that finally under the impression
d belief that it was true that these lands were sold and
t their refusing to sign would not prevent it - and believing
t under such Circumstances they could benefit themselves
erally they did sign the said treaty at the public house
ementioned except John Gordon who signed before
- Council - That the deponent John Gordon was bribed
sign the said treaty by the false pretences aforesaid and
so by the agreement of the agent of the Ogden Company to pay him
two hundred dollars in Cash in three months after the
aty should be ratified by the United States and also the
payment of fifty dollars in goods and fifty dollars in cash
n hand and two dollars more in Cash afterwards and
his board at the public house paid and the lease of
fifty acres of land for ten years free of rent - And the
eponent Jacob Jimeson was bribed to sign the said treaty
by the false pretences aforementioned and by an agreement on
the part of the Ogden Company to pay him One thousand
dollars afterwards or three months after the treaty should be ratified
by the United States and by the payment of twenty five dollars
down and of three dollars afterwards and his board at the public
house paid - And the said deponent Long John was bribed &
persuaded to sign the said treaty by the false pretences aforesaid
and by an agreement on the part of the Ogden Company to
pay him One thousand dollars in three months after the treaty
should be ratified by the United States and by the
payment of twenty five dollars Cash in hand and ten
dollars afterwards and his board at the public house paid -
That neither of these deponents would have signed the said treaty
if they had not been deceived by the false pretences aforesaid and
others made by the Agents aforesaid and unless they had been
been bribed thereto by the sums aforesaid

I do certify that the above affidavit was read and
inter to the several deponents therein named by Benj^n
Williams an interpreter duly sworn by me to act as
such and that the same was duly sworn to by said
deponents and subscribed before me the oath being by me
administered and interpreted to them —
James Brest Supreme Court
& District Atty in Catt^s County —

Jacob his X mark Jimeson
Long his X mark John
John his X mark Gordon
Benjamin Williams interpreter

State of New York }
County of Erie ss: }

Joseph Snow, George Deer and Israel Jemison and John Dennis all Chiefs and residing on the Seneca Nation being duly sworn doth each in himself depose and saith that they were present at the Council recently held on the Buffalo Reservation for the purpose of making a treaty with the Government for the ~~[illegible]~~ sale of their land and their removal to the West. That when the Commissioner stated the object of their comming and presented the treaty for their signatures they all refused to sign And the deponent Joseph Snow further saith that H B Potter, Doct Wilcox and Olando Allen has offered him the sum of One thousand dollars if he would sign the treaty and various other sums have been repeatedly offered this deponent if he would sign the treaty. And the deponent George Deer further saith that H B Potter has offered him Eight hundred dollars if he would sign the treaty and fifty acres of land on the Reservation any length of time that said deponent wished And this deponent Israel Jemison further saith that Potter & Allen offered him the sum of Two thousand dollars in three months after the treaty was ratified by the Government and as much land as deponent wished with full Warranty Deed of the same if he would sign the treaty. And this deponent John Dennis further saith that R H Gillet one of the Commissioners since the Council closed has offered him the sum of one thousand dollars if he would sign the treaty and presented this deponent a small piece of paper for him to make his mark upon which he stated was just as good as the treaty —

All of which offers these deponents considered as bribes & were wholly refused — that said Commissioner came up to the Cattaraugus Reservation and told deponents that all the Chiefs on the Buffalo Reservation had signed and that they wanted them to come down and sign. to this deponents replied that they did not wish to sign and would not go down that Nathaniel Strong, Seiro R. Leuben Halftown & Wm Shanks & Levi Halftown who reside with said deponent on Cattaraugus Reservation and which individuals said deponents have understood have signed the treaty are not Chiefs and have no power nor right to sign

That in the year 1832 the same party that are now in favor of
y attempted to make the above named individuals Chiefs
the purpose of getting a majority to sign the treaty but
re not accepted and were never by the Six Nations
lly made Chiefs And that deponents further say that
e majority of the Nation are opposed to emigration and
they will never consent to be forced from their present homes
power and misstatement of a very large minority who would
tained by the Commissioner promised never to sign the treaty
that while these deponents were present at the late Council
more than twenty chiefs signed the treaty and when and
how the other signatures were obtained these deponents
not tell — And these deponents further say that they have
informed that their signatures were appended to one
le about being presented to government called a treaty —
t they have never signed any paper nor authorized any
son to sign one for them — that they never will sign and
utterly opposed to emigration —

scribed sworn to before me the
y of February 1838 —
D. Tillinghast
Sup: Court Commissioner

Joseph his X mark Snow
George his X mark Deer
Israel his X mark Jemison
John his X mark Dennis
Witness John Kennedy

State of New York
Erie County ss:

The abovenamed Joseph Snow George Deer Israel Jemison & John Dennis were sworn by and through John Kennedy a sworn interpreter before me and he stated that he had made known to the said affirmants the articles of said affidavit in the Indian languagage and they said each of them that the same is true.

D. Tillinghast
Supreme Court
Commissioner

5.

State of New York
County of Erie ss:

William Ellick one of the Seneca nation of Indians being duly sworn deposes and saith that on or about the twenty seventh of Jany last he was sent on the part of those who are opposed to removing to the house of                    one of the reputed Chiefs of the Nation who was then at home and very sick that as deponent came near the house he met Pelander Allen one of the Commissioners and White Seneca an Indian Runner in the employ of the Commissioner coming from the house — deponent went into the house where he found said                    who told him the following

Allen said he was a great friend of his and was very sorry he was sick — that a majority of the chiefs had signed the treaty and that they had all got to remove — and as a friend of his he wanted to make the best provision possible for him the said                    that if he would sign the treaty he would give him a good suit of clothes a Blanket a Rifle and five dollars in cash — and that he should always live with White Seneca free of Expence — deponent then told him that a majority of the chiefs had not signed the treaty — he then replied he never would have signed the treaty had the Commissioner not have told him that it was made — That the said Allen brought with him a piece of paper with his name already written upon it — that when he gave him the five dollars they put the his mark upon the paper

Said                    is between fifty sixty years of age — quite infirm. has never been duly elected a chief of the Nation but is one among others that was made so in 1832 by the party who were then in favor of emigration

William X Ellick

Subscribed and sworn to me before me 26 Feb 1838
D Tillinghast Sup. Court Com —

Witness John Kennedy —

I certify that the above named Wm Ellick was sworn to said affidavit through John Kennedy as an interpreter between me and said Ellick & said Kennedy sworn on oath that he had made the contents of said affidavit known to Ellick in the Indian language and he declared the same to be true

D Tillinghast
Sup. Court Com —

State of New York
County of Erie

James Shongo a resident and one of the Chiefs of the Seneca Nation being duly sworn depose & saith that he was present at the recent Council when the Commissioners presented a treaty to him to sign - that being opposed to Emmigration he with others refused to sign it - that late in the evening of the day Council broke up the deponent urged to go down to the tavern on the Reservation kep one Allen and there he found the Commissioners and that a having remained at said tavern some time Jobe Whipple came down into the bar room where this deponent was and asked him to go up stairs where he met H B Potter Esq one of the Commissioners & an interpreter that said Potter told this deponent that he had come to see him the last time - that this was the only opportunity for signing the treaty - that if he signed now he would be entitled to all the offers made him at the Council and if he did not sign it he would be compelled to go at any rate. for the land was sold and by refusing to sign he would loose all his improvements - that he was very sorry he had got to emigrate but he would endeavor to help him all he could and then offered the deponent One thousand dollars payable in three months after the treaty was ratified if he would sign and also twenty five dollars in cash & pay his board at Whipples where this deponent had been staying for two or three weeks - all of which offers this deponent utterly refused - deponent then got up to leave the room when the interpreter said to him that he ought to sign - deponent then asked why they did not pay him all the money at once to which the interpreter replied they had paid ~~him~~ out so much already to others - they were bust this deponent then signed the treaty - but never would have done so had not the Commissioners made him believe that a majority of the chiefs had signed and that the land was taken from them all of which the deponent has since ascertained to be utterly and wholly false -

that a majority of chiefs have never signed the treaty and that more than two thirds of the Nation are opposed to emigration - that this deponent is now & ever has been opposed to removal and believing that he should get nothing unless he signed as the Commissioner frequently told him he would not he did sign for the purpose of getting what he could for his improvements - and further says not

Subscribed & sworn
before me the 1st March 1838
D. Tillinghast
Sup: Court Com

James his X mark Strong

Witness
Zechariah X Jameson

State of New York }
County of Erie } ss.

John Snow a resident & one of the Chiefs of the Seneca Nation being duly sworn deposes and saith That he was at the late Council on the Buffalo Reservation where the Commissioners attended for the purpose as stated by them of making a treaty for the removal of the ~~West~~ Indians — that the papers were prepared one for those to sign who were in favor of emigration and one for those who were opposed that when this deponent was asked to sign he told the Commissioners he was opposed to removal & could not sign the treaty and at the same time put his name as he supposed on the paper of those that were opposed that one day afterwards as he was going down to the Council this deponent met George Bennet one of the Chiefs who told this deponent that it was useless for him to refuse any longer to sign the treaty that the Allegany Cattaraugus Buffalo and Tonnewanda Reservations were sold — that the treaty was concluded and that they had got to remove that unless he did sign the treaty he would lose all his improvements and be compelled at last to go — this deponent then thought if he had got to lose his improvements if he did not sign he would go and see the Commissioners — Bennet then said he must go immediately deponent then went down to a tavern kept by one Allen

George Jemison then came in and told deponent that Mr Potter wished to see him and had sent him Jemison after him — deponent then went up stairs where he met Mr Potter & an interpreter Potter then asked deponent how he felt with regard to the proceedings of the Council — deponent then replied it that he felt very hard about it that he was sorry to hear that his people had got to go to the West as they did not like the land there & further he thought it was hard to lose his improvements, and he had made up his mind that he and his people should not go — that his mother was very old and he had much rather she should die here — Potter then said it shall be no loss to you there is a way for you to hold your land and improvement — that if he would join the emigration party and stick to it untill notified by Congress he would give him two thousand dollars — deponent then replied he thought it would be very wrong for him to do so, thinks he did not as the land belonged to his people as much as to himself — Mr Potter then told him it would not be wrong for him to do so that he did not pay him the two thousand dollars for any thing but gave it to him as a present (he the deponent being a Chief) and if the deponent wished to remain he could do so and he would help him all he could — deponent then said he had made up his mind & not to sign the treaty but wished to have his property if it was possible — The Interpreter then told deponent that if he did not wish to sign the treaty he need not do it — but he deponent could make a contract with Potter which would obviate it Potter then drew up a contract securing to the deponent two pieces of land which this deponent had: one of 80 the other of 70 acres as long as he lived (see contract in hands of delegation) deponent signed — And deponent further saith that as soon signed he saw Potter burn the original copy of which this deponent had taken [illegible] his possession — deponent [illegible] sign — that when the [illegible] interpreter told him [illegible] possession and [illegible] drinking for some time and [illegible] this deponent signed [illegible] [illegible] would be [illegible] believe from what was [illegible] the treaty and that they had [illegible] then the deponent has heard that a large [illegible] of the chiefs are opposed to emigration and some [illegible] two-thirds of the nation: that the deponent never did nor does [illegible] now wish to emigrate That Ruben Halftown Nathaniel Strong — Squire William Shanks & Levi Halftown who have signed the treaty — this deponent is informed are not Chiefs of the Nation but put up by the Emigration party in 1832 and have never been duly elected chiefs of the Nation and further saith not.

Subscribed & sworn to before me
the 1st day of March 1838 —
D Tillinghast
Sup. Court Com —

John Snow
by
Zachariah L Jimeson

I certify that James Shongo & John Seneca were sworn [illegible] Philip Sampson sworn before me as interpreter in relation to the matters of the affidavits by them subscribed, and that they had the contents of said affidavits explained to them in the Indian language & declared the same to be true —

D Tillinghast
Sup Court Com

Copies of Affidavits sent to the Senate respecting the Buffalo Treaty

Further Agreement between the Undersigned T. L. Ogden and Joseph Fellows of the first part and Heman B Potter, James Stryker, Orlando Allen, and Henry P. Wilcox of the second part to be taken and considered as supplimentary and in addition to their previous Agreements of the 23d February 1837 and of the 22nd September 1837 and as consequent on the increased amount of the expenditures and engagements stated to have been made and entered into by the parties of the second part in and about their late negotiations with the Seneca and Tuscarora tribes of Indians—

First The Improvement fund mentioned in the second clause of the first Article of the Agreement of 23d February 1837 having by stipulation with the Seneca Indians been increased to one hundred and two thousand dollars such stipulation is confirmed by the parties of the first part—

Second It is mutually agreed that the expense fund agreed to be provided according to the third Article of the first and the first Article of the last of the two above mentioned agreements be increased by the sum of seven thousand and five hundred dollars (including the advances already made by the parties of the first part) making the whole amount of this fund fifteen thousand dollars, to be accounted for as provided in the previous Agreements—

Third It is further agreed that the fund of fifty thousand dollars specified in the concluding part of the fourth Article of the first and in the second Article of the second of the above mentioned Agreements be further increased by the sum of forty seven thousand eight hundred dollars so as to make the whole amount of that fund one hundred and forty seven thousand eight hundred dollars—

Fourth It is mutually agreed that the increased allowances above mentioned are to be considered as covering all claims by or on the part of the parties of the second part in and about their negotiations with the Tuscarora Tribe of Indians whether for services or

Expenses—

Fifth It is understood and mutually agreed that if by any cause further expenses or engagements shall be required in relation to the objects of either of the above mentioned funds, the same are to be borne and fulfilled by the parties of the second part, the present modification of the said Agreements being final and conclusive as to the liabilities of the parties of the first part in respect to those objects—

Dated in the City of New York this 8 day of March 1838

T. L. Ogden
Joseph Fellows
Orlando Allen
James Stryker
by Orlando Allen
Heman B. Potter
by Orlando Allen
Henry P. Wilcox
by Orlando Allen

Supplementary Articles
of Agreement by and
between Thos. L. Ogden &
Joseph Fellows Trustees
and
Orlando Allen, [illegible]
[illegible], Heman B. Potter
and Henry P. Wilcox,
March 5. 1835,
New-York.

At a Treaty held under the authority of the United States at
Buffalo Creek in the County of Erie in the State of New York Between
the Sachems, Chiefs and Warriors of the Seneca Nation of Indians on
behalf of said Nation and Robert Troup, Thomas L Ogden and
Benjamin W Rogers Esquires of the City of New-York in the presence
of Oliver Forward Esquire Commissioner appointed by the United States
for holding said Treaty and of Nathaniel Gorham Esquire superintendant
on behalf of the State of Maſsachusetts

Know all Men by these presents that the said Sachems Chiefs
and Warriors for and in consideration of the Sum of 48,216 dollars lawful
Money of the United States to them in hand paid by the said Robert
Troup Thomas L Ogden and Benjamin W Rogers at or immediately before
the ensealing and delivery of these presents the receipt whereof is hereby
acknowledged have granted bargained sold aliened released ~~and~~ quitclaimed
& confirmed and by these presents do grant bargain sell alien release quit
claim and confirm unto the said Robert Troup, Thomas L Ogden, and
Benjamin W Rogers and their heirs and aſsigns forever, All that Tract
1 of Land commonly called and known by the name of the Caneadea
Reservation situate lying and being in the County of Allegany ~~Reservation~~ in the
acres 10.240 State of New-York and containing Sixteen Square Miles - Also All that
other Tract of Land commonly called and known by the name of
2 the Canawagus Reservation situate lying & being in the County of
Livingston in the said State of New-York and containing two Square
1.280 Miles - Also All that other Tract of land called and commonly known
3 by the name of the Big Tree Reservation situate lying and being in said
1.280 County of Livingston and containing two Square Miles - Also All
that other Tract of Land commonly called and known by the name of
4 Squawky Hill Reservation situate lying and being in the said
1.280 County of Livingston and containing two Square Miles - Also All
that other Tract of Land commonly called and known by the name of
5 the Gardeau Reservation situate lying and being in the County of
Genesee in the said State of New-York and containing two
1.280 Square Miles being that part of the original Gardeau Reservation
which was excepted and Reserved out of a Sale of a part of the Same
to John Greig and Henry B Gibson at a Treaty held at Moscow
in said County of Livingston on the 3d day of September 1823 - Also
All that other Tract of Land commonly called and known by the
name of the Buffalo Creek reservation situate lying and being in
said County of Erie and containing by estimation 83,557 acres -
excepting neverthleſs and always reserving out of the said Buffalo
33.637 Creek reservation the following Tract piece or parcel thereof that is to Say
78 Square Miles or 49,920 acres bounded as follows that is to Say
beginning on a North line of the said Reservation at a point 1 Mile
and a half East of the Cayuga Creek running thence South 1½ Mile
thence East parallel with the North line So far as that a line to be
drawn from the termination thereof South to a point one Mile distant
from the South line of the said reservation, & thence West parallel

with the said South line to the West line of the Reservation and thence
along the West and North lines of the same to the place of beginning
will contain the said quantity of Seventy eight Square Miles or 49,920 acres

Also All that other Tract of Land commonly called and known by the
name of the Tonawanta Reservation Situate lying and being in the said
Counties of Genesee and Erie and containing by estimation 46,209 acres
excepting nevertheless and always reserving out of the said Tonawanta
33.40 Reservation the following Tract piece or parcel thereof that is to say 12,800
acres to be laid off in one body in such a manner as that One half
thereof shall be on one side of the Tonawanta Creek and the other
half on the other side of the Creek and commencing at a point on
said Creek 1½ Mile West of where it crosses the line of the said
Reservation and the said Creek being the Centre of the said 12,800
acres until it strikes the Northwest Corner of the Tonawanta Reservation
Also the following pieces or parcels of all that other Tract of Land
commonly called and known by the name of the Cattaraugus Reservation
Situate lying and being in the Counties of Chautauque Cattaraugus
and Erie in the said State of New York that is to say one Square
Mile or 640 acres to be laid off in a Square form in the South West
5.126 Corner of the said reservation — 6 Square Miles or 3,840 acres in the
North part of the said reservation bounded on the North and on the
87.526 East by the North and East lines of the said Reservation on the
West by a line parallel to the East line and six Miles distant
therefrom and on the South by a line parallel to the North line
and one Mile distant therefrom — And one other Square Mile
or 640 acres to be laid off in a Square form and bounded as
follows that is to say on the East by the East line of the said
Reservation on the West by a line parallel thereto and one Mile
distant therefrom on the North by the South line of the piece last
above described and on the South by a line parallel thereto and one
Mile distant therefrom — And which said several Tracts pieces ~~and~~
or parcels of Land so excepted and reserved as aforesaid out of the
said Buffalo Creek and Tonawanta Reservations are fully and
clearly understood to remain the property of the said party of the
first part and their Nation in as full and ample a manner as
if these presents had not been executed Together with all and
singular the rights privileges and appurtenances to the said hereby
granted Premises belonging or in anywise appertaining — And all
the Estate right title interest claim and demand whatsoever of them
the said parties of the first part and their Nation of in and
to the said several Tracts pieces and parcels of Land above described
except as is above excepted To have and to hold all and singular
the said granted premises with the appurtenances unto the said
Robert Troup Thomas L Ogden and Benjamin W Rogers their heirs

and assigns in trust for the use benefit and behoof of themselves and
such other person or persons as are respectively entitled to the right of
the said several Tracts Pieces or parcels of Land

belonging or in anywise appertaining— And All the Estate right title interest claim and demand whatsoever of them the said Parties of the first part and their Nation of in and to the said Several Tracts Pieces and parcels of Land above described except as is above excepted, To have and to hold all and singular the said granted premises with the appurtenances unto the said Robert Troup Thomas L Ogden and Benjamin W Rogers their heirs

and assigns in trust for the use benefit and behoof of themselves and such other person or persons as are respectively entitled to the right of Pre-emption of the said Several Tracts Pieces or parcels of Land or any part or portion thereof— In Testimony whereof the said parties to these presents have hereunto and to three other instruments of the same tenor and date one to remain with the United States one to remain with the State of Massachusetts, one to remain with the Seneca Nation of Indians and one to remain with the said Robert Troup Thomas L Ogden and Benjamin W Rogers interchangeably set their hands and Seals at the Council House at Buffalo Creek 31st August 1826

Young King (L S)
Pollard (L S)
Little Billy (L S)
Cornplanter (L S)
Black Snake (L S)
Strong (L S)
Chief Warrior (L S)
Seneca White (L S)
Tall Peter (L S)
James Robinson (L S)
White Seneca (L S)
Destroy Town (L S)
Charles O Beal (L S)
Tunis Half Town (L S)
Long John (L S)
Blue Eyes (L S)
Little Johnson (L S)
Lockstadder (L S)
Green Blanket (L S)
White Boy (L S)
Isaac (L S)
Henry Two Guns (L S)
Stevenson (L S)
John Pierce (L S)

Little Beard (L S)
Tall Chief (L S)
Captain Snow (L S)
Twenty Canoes (L S)
Silver Heels (L S)
Young Chief (L S)
Barefoot (L S)
Captain Cow (L S)
Jones's Cousin (L S)
Big Kettle (L S)
Jack Snow (L S)
Joseph Jequany (L S)
William Blacksnake (L S)
George Red eye (L S)
Captn Shongo (L S)
James Hudson (L S)
Stiff Knee (L S)
Red Jacket (L S)
John Pope (L S)
John Snow (L S)
Johnson (L S)
James Stevenson Jun (L S)
John Snow (L S)
Robt Troup by his atty John Greig (L S)
Thomas L Ogden by his atty John Greig (L S)
Benjamin W Rogers by his atty John Greig (L S)

The Seneca Nation of
Indians
with

Robert Troup
Thomas L Ogden &
Benjamin W Rogers

Copy Treaty

Recorded in Erie County
Clerks office in Liber 10 of
Deeds Page 138

3 mo 20-1838

3-20-1838

# Protest of the delegation from the Seneca nation in the State of New York against the Ratification of the Buffalo Treaty. —

The undersigned chiefs and warriors con=stituting a delegation of the Seneca na fully empowered to act for it at Washington by Letters of Attorney duly executed, dated at their several reservations on the Second and Third days of March 1838 and Signed collectively by fifty eight chiefs, being more than two thirds of the whole number of chiefs in our nation, do for themselves, and in t name and on behalf of the Nation, protest against the Ratification of a certain treaty said to have been concluded at Buffalo in the month of January last between the Commissioner of the United States and the chiefs of the Said nation; for the following reasons, viz; —

First; Because previous to the holding of the council at which the Said treaty is alledged to have been made, the agen the Preemption company had been indus=triously engaged among the chiefs and leading men of our nation, endeavoring to influence them by offers of private advan=tages and compensations, and has actually entered into contracts with them for the payment of Sums of from one to two or more

3-20-1838

*227 [illegible]
O " [2-1-1838 16]

[illegible]

Contra[illegible]

on the [illegible]

In proof of [illegible]

fully refer, to a [illegible] contract [illegible] between Heman [illegible] agent of said Company and John Snow a chief residing on the Buffalo reservation, stipulating for the payment by the said Company of Te[illegible] thousand dollars to the said John Snow besides other privileges, as a reward for his services and influence in procuring said treaty— Also to a copy of another contract between said agent and Joseph Snow, Cattaraugus Indian, securing to said Joseph Snow one thousand dollars and other benefits for his services in the same business. The original of this contract now in our possession, and a copy of the other certified by Maris B. Pierce, one of the chiefs who is said to have signed the treaty.—

Second: Because during the holding of the council at Buffalo, the agents of the said Company were actively engaged [illegible] persuade and induced our [illegible] treaty by offering

them Sums of money and other advantages
and by intimidation and Strong drinks —

In proof of these assertions* we beg
leave to refer to the depositions of Seventeen
Chiefs and others of our nation, duly taken on
affidavit and regularly Certified by the
Commissioner of the Superior Court of the
State of New York, and also to an address® to
the Hon. Samuel Prentiss of the Senate
[illegible] by a number of the Chiefs of our
[illegible] —

[illegible] 5: Because said alledged treaty
[illegible] not agreed upon in Council; but after
[illegible] decided expression of a majority of our
[illegible] they were determined not to Sell
[illegible] it was brought into the Council
[illegible] nearly by only about twenty three
[illegible] same time our Remon=
[illegible] said treaty was signed by
[illegible] four Chiefs. —

[illegible] after said Council
[illegible] the Commissioner had
[illegible] of Chiefs to sign
[illegible] at some
[illegible] Council house where
[illegible] induced to
[illegible]
[illegible]

* see [3-1-1838]
® [2-28-1838]

[illegible] proof of these misrepresentations we [illegible] [illegible] [illegible] and adult [illegible] [illegible] as well as to the Remonstrance itself signed by two hundred and thirty eight of our chiefs and warriors and presented by us to the President of the United States —

Fifth: Because said treaty notwithstanding all the illegal and unfair means to procure signatures, is signed only by a minority of the chiefs of our nation, and therefore, according to long established, and well understood custom among us, is not valid, as it does not speak the voice of the Nation and therefore is not binding upon it. —

For proof of this we refer to a list of all the Chiefs, and Chiefs in part, of the Seneca Nation corrected by our council, and also of the numbers who are said to have signed the treaty and of those who did not.*

Sixth: Because the great mass of our people are opposed to emigration and are determined not to leave their reservations, while those who sign said pretended Treaty represent but a very small part of our nation.

In proof of this we refer to various statistical documents exhibiting the number of [illegible] Submitted —

* see [3-20A-1838]

* see Letters 2-28A-1838

persons who are Stated to have Signed Said alledged Treaty, are not chiefs, never having been duly appointed by the nation and inducted into office and therefore are not Competent to act for that nation, neither is it bound by their decisions —

In proof of this we refer to the accompanying Statistical documents. —

Eighth. Because during the council [illegible] threats were held out to intimidate [illegible] induce us to Sign the Treaty; and we were told that if we did not Sign it, our [illegible] President, would punish us as a [illegible] punishes his disobedient child, that [illegible] we enjoy should be taken from us, [illegible] should lose our annuities and our [illegible] that these things Should be given [illegible] which might Consent to emigrate.

[illegible] Because our Annuities of [illegible] $6,000 in money, which [illegible] to us in June or [illegible] been withheld from [illegible] thereby [illegible] people, have [illegible] of those [illegible] *see [[illegible] mo-1838]

[illegible] call your attention to [illegible] appointed to the [illegible] of the Judges, [illegible] and other officers, and the Grand Jury of the Court of Chautauque County in the State of New York, and by a number of other citizens to whom we are well known

Signed

Signed in presence of us

Joseph Elkenton
Thos Evans

~~their~~
James x Robinson
Black x Smith
marks
John Kennedy
Zechariah L Jimeson

Washington March 20th 1838.

Copy

Protest of the
Seneca Delegation
against the
Buffalo Treaty
1838

Not in Minutes

Protest of the Delegation from the Seneca ~~Delegation~~ Nation of Indians of the State of N.Y. against the Buffalo Treaty

3-20 1838

The Undersigned Chiefs & Warriors, of the Seneca Nation ~~constituting a delegation~~ constituting a delegation fully empowered to act for it at Washington by letters of Attorney duly executed, dated at their Several reservations on the Second & third days of March 1838 and signed collectively by fifty eight Chiefs, ~~of the Seneca nation~~ being more than two thirds of the whole number of Chiefs in ~~said~~ our nation, do for themselves, & in the name, and on behalf of the nation, protest against the ratification of a certain treaty said to have been concluded at Buffalo in the month of January last between the Commissioner of the United States & the Chiefs of the said Nation, for the following reasons viz—

Because previous to the holding [illegible] council at which the said Treaty is [illegible] to have been made, the agents [illegible] preemption Company had been [illegible]ously engaged among the chiefs [illegible] ading men of our Nation, endeav[illegible] to influence them by offers of priv[illegible] vantages & compensations, and had [illegible] entered into contracts with them [illegible] payment of sums of from one to [illegible] and dollars, & the life [illegible] in consideration of [illegible] signing ~~said~~ sd treaty [illegible] ence to persuade [illegible] said contracts [illegible] dependent on [illegible] treaty. In proof [illegible] tfully refer [illegible] Heman B. Potter, agent of said Company, and John Snow a chief residing on the Buffalo Reservation, and stipulating for the payment by the said Company of two thousand dollars to the said John Snow & also lands & other privileges as a [illegible] ~~by the said Company~~, for his services & influence in procuring said treaty — also a copy of another Contract between said agent and Joseph Snow a Cattaraugus Indian, securing to said Joseph Snow, one thousand dollars and other benefits for his ~~aid~~ services in the same business — The original of the ~~latter~~ Contract is now in our possession and a copy of the other Certified by Maris B. Peirce, one of the Chiefs who is said to have signed the ~~[illegible]~~ Treaty. —

2nd: Because during the ~~time of~~ holding of the Council at Buffalo, the Agents of the said Company were actively engaged endeavoring to persuade & induce our ~~said~~ Chiefs to sign the said Treaty by offering them sums of money and other advantages, and by intimidation and strong drink — In proof of ~~which~~ ~~we~~ these allegations we respectfully beg leave to refer to the depositions of seventeen Chiefs & others of our nations, duly taken on affidavit and regularly certified by the Commissioner of the Superior Court of the State of New York, and also to an address ~~communication~~ ~~Hon~~ to the Hon Sam' Prentiss of the ~~United States~~, Senate signed by a number of the Chiefs of our Nation —

Third: Because said alleged treaty was not agreed upon in Council, but after the decided expression of a majority of our Chiefs that they were determined not to sell ~~their~~ our lands, it was brought into the Council & signed by only about 23 Chiefs, when at the same time our Remonstrance against said Treaty was signed by more than Sixty of our chiefs —

Fourth. Because after ~~the~~ said Council was broken up and the Commissioner had failed in getting a majority of Chiefs to sign the treaty, he took it to a tavern at some distance from the Council house, where some [illegible] of our Chiefs were afterward [illegible] to sign it by the the acts [illegible] of the Agents of the Preemption Company and others — In proof of [illegible] allegations we beg leave to [illegible] the depositions, & ~~[illegible]~~ address before mentioned, as well as to [illegible]strance itself signed by [illegible] President of the United States [illegible] numerous [illegible]
[illegible] treaty, notwithstanding
[illegible] unfair means to
[illegible] signed only by a
[illegible] of our Nation &
[illegible] long established
[illegible] among
[illegible]

[illegible] binding
upon it — In proof of this we refer
[illegible] of all the Chiefs, & chiefs in
of the Three Nations ~~[illegible]~~
Created by our Council, & also of the
Numbers ~~[illegible]~~ who are said to have signed the
Treaty & of those who did not. —

[illegible] a great mass of our
[illegible] emigration and
are determined not to leave this Reser-
vations, while those who ~~kept~~ signed said ~~the~~
Treaty represent but a very small part of
of our Nation — In proof of this we
refer to various Statistical documents ~~[illegible]~~
exhibiting the numbers of our people
herewith ~~furnished~~ & submitted;

Seventh Because several of those per-
sons who are stated to have signed
said alleged Treaty, are not chiefs, never
having been duly appointed by the
Nation, & inducted into office — & there-
fore are not competent to act for
the nation, neither is ~~the Nation~~ it
bound by their decision ~~[illegible]~~ In proof of this we refer to the ~~accompanying~~ accompanying Statistical documents

8th Lastly — Because our annuities of
$4,500 in goods and $6000 in money
which should have been paid to us
in June or July last year, have been
withheld from us, & the distress and suf-
fering thereby created among our people
have contributed to aid the designs of those
who were seeking to extort a treaty from
us, that they might ~~[illegible]~~
~~from the [illegible]~~ get possession of our
lands.

Eighth Because during the Council
various threats were held out to intimidate
us and induce us to sign the Treaty, and
we were told that if we did not sign it our
father the President would punish us as a
father punishes his disobedient child, the
privileges we enjoy should be taken from
us, that we should lose our annuities
and lose our agent, and that these things
would be given to the party which might
consent to emigrate —

We also beg leave to call your attention
to the petition in our behalf presented to the
Senate signed by the Judges, attornies
other officers, and the Grand Jury
Court of Chatauque County in
New York and by a number
citizens to whom we are well

Signed
in presence of

their
Isaac × Robinson
Black × Smith
mark
John Kennedy
Zachariah L. Jimeson

1838

To the Honorable                                        member of Congress

Sir

The undersigned chiefs of the Seneca nation of Indians assembled on the Buffalo creek reservation, beg leave to address [illegible] [illegible] our communication [illegible] of having become acquainted with your name

Protest
of the
Seneca Delegates
against
the
Buffalo Treaty

Probably about 3-20A-1838 18382.

To His Excellency
Martin Van Buren
President of the United States.

Father

The undersigned Chiefs and Sachems of the Six nations of Indians residing in the State of New Yorke beg leave to make the following Statement.

The Commissioner appointed by the Government to treat with the New York Indians after opening the general Council of the Six nations on the Buffalo Creek reservation, delivered a speech on the policy and offers of the Government to our people for our removal to the west.

We believe that it is the policy of the General Government to remove the Indians west of the river Mississippi and, we also believe that it is the intention of the Government that no force nor any unlawful means should be used in accomplishing their object; and we were sorry when the Commissioner told us in Council that if we do not consent to emigrate to the west, that measures will be taken by the General and State Governments by which we shall be made to remove; but we were glad when he says that

3-20A-1838

See Minutes Vol. 3, p 1840.

the conclusion of a majority of the Chiefs will decide the question.

We understand that it is the Common Law of civilized nations to be Guided in decisions of importance by numbers, that a majority always rule: this has always been also our guide.

And we wish also to inform our Great Father, that there are among our people who are willing and wish to accept of the offers made to them for their removal and there is a large majority who do not wish to emigrate, but are desirous to remain where they are, as they are perfectly satisfied with their present location and think it sufficient for the support and sustenance of their Children: they are those whom we represent.

We also wish to inform our Great Father that his red Children have in latter years made rapid advances in Civilization, morality and religion, as recommended by former Presidents as the only mode by which we might be happy, and it is heart rending to think that amidst the improvements that are making among us that three individual Chiefs should dispose of the rights and regulate the destinies of the nation, and that positively against their known will which will be the case should the pretended Treaty be ratified.

We have now informed our great Father that there are among our people two parties, the one large and the other small in numbers: We fully believe that our Great Father will have justice done to us, and that no compulsion is to be exercised for the purpose of removing us from our present homes against our will: We are now willing that those who are anxious to emigrate should do so, although we have repeatedly requested and entreated the few of our Chiefs who are desirous to emigrate to abandon their course as this was not the wish of our respective Nations, they are determined to pursue their own course, to make a Treaty for the removal of all the New York Indians which they have attempted to do, signed by a few interested Chiefs, and efforts were made to persuade, induce & to alarm many of the people to accede to them Against the Ratification of which we protest.

But we have no disposition to compel any of our people to think as we think or do as we do: and we hope they may be enabled to have the same feelings:

And here is one Great and necessary arrangement to be made about our Lands which we hold in Common; We are willing that if the emigration party wish to remove, proper and just arrangements should be made, to the effect that their equal share of their reserved Lands should be given them, in order that both parties should be satisfied; as we have reason to hope the Government is willing to satisfy the wishes of both — But as the emigration party are not disposed that these proper and just arrangements should be made, but are desirous to dispose of the whole of our reserved Lands and thereby Compel a majority of our people to emigrate against their will: therefore we pray that Congress and our Great Father might not sanction any attempt of this kind: We do not wish to say or do anything unreasonable or unjust but certainly the course they have taken is both unreasonable and unjust in the sight of God and man: and we are afraid that those who have taken an active part in the emigration cause, are not influenced by pure motives for the interest of their people, for we perceive that many of them were bribed to influence others in favour of selling and removing. Some of the Commissioners have aided in making these private offers and arrangements with influential men of our Nations.

Father we still have among our people a council of the six nations and pass resolutions which we always consider binding and in one of these councils held last fall we passed resolutions, that those of our people wishing to emigrate according to the offers made to us by the Government might be free to in so doing, that we shall not interfere with any arrangement so to be made —

We also believe that our former Treaties are still binding and in full force, for nothing on our part has ever been done to forfeit those Treaties.

A Treaty of Nov. 11th. 1794, when our remaining lands were secured to us, as the
" property of the Seneka Nation and that it
" shall remain theirs until they choose to sell

the same" to those "who have the right to purchase".

And also in after Treaties concluded by the authority of the United States, the same right as to our Lands were acknowledged: We admit, that there is a company "who have the preemption to the soil" of our Lands, and they will purchase "when we choose to sell". And the Conveyance of these reserved Lands properly belong to a majority of the Chiefs of the Seneca Nation and a large majority of the chiefs at this time are opposed to selling —

But as we do not wish to debar any of our people from making a Treaty with you for the removal of those who wish to go, and as we are willing that they should dispose of their proper share of the lands we hold in Common we are, induced to inform our Great Father that we are willing that their just proportion to said reserved Lands be surveyed and divided from ours: And that our: Annual annuities be also properly divided in Proportion to our numbers.

We have also understood the Commissioner to say that the Country West of the river Mississippi is to be exchanged for Green Bay lands where the New York Indians have a right: We also admit that some of the Six Nations have accepted and have paid for their interest in said Country, but the Seneca Nation have no right or title to that country as we have never accepted or paid for any interest there: Nor do we at this time have any claim to that Country whatever.

In presence of
Seneca S. Jones
Edward Paine
Elisha Baker
Elisha Freeman.

Samuel Parker
Capt. Jones
Big Kittle
Seneca White
Govr. Blacksnake
James Robinson
John Pierce
Israel Jemison
Young Chief
Jemmy Johnson
Blue Sky
Henry Twoguns
William Crouse
Long John

Tunis Halftown
Charles O'Beal
Jacob Blacksnake
William Patterson
Orion Silverheels
Black Chief
Blacksmith
John Seneca
Jacob Bennett
Samuel Wilson
John Snow
Tall Peter
George Kenduhquadih
Dextator

J. Hemlock
Sky Pierce
James Shongo
George Killbuck
David Snow
John Kennedy
Robert Watt
Morris B. Peirce
Walter Thompson
John Cooke
Joseph Snow
Isaac Davis
George Dennis
George Deer
John Dennis by his agt.
George Silverheels
Isaac Halftown
Moses Peirce
Sky Carrier
Jack Berry
Mark Charles
John Barke
John General
John Sky
Steele Spring
Jim Williams
John Luke

Big Fire by his agt.
John Bennett
William Cass
Jonny John
Louis Poultry
Stiff Knee
George Washington
David White
George Lindsey
Thomas Rummer
Tommy Jimmy
George Green Blanket
David Halftown
Jacob Shongo
Moses Decator
John Jacket
John Green Blanket
Dennis Sky
Elijah Cayuga
Black Squirrel
George Moses
Young Farmer
Saul Logan
Major Camp
John Hemlock
Billy Jones
Antony ——

Genl. Jackson
John Baldin
Isaac Thomas
Elijah Wilson
William Mature
John Mitten
Andrew Snow
Solomon O'Bail
Little Joseph
John Luke
John Jacob
Thomas Bearn
Lewis Seneca
George Seneca
Abram John
John Austin
William Jacket
his mark Thomas B. Grayfian
Peter Snow
Robert Silverheels
John Wilson
Philip Kuyakety
Abram Twenty Canoes
Henry Philips
Jim Billy
Long John
Thomas Jones

Joshua John
— Hemlock
Capt. Cook
Crow John
John David
Jonah Armstrong
William Elick
Benjamin John
Jack J. John
John Kennedy
Squire Blinky
Saml. Parker
James Guy Blankit
Peter Johnson
Saml. Spit
Capt. Strong
Thomas Jemison
Capt. George
Young Squirrel
Little George
Saml. Bearn
Thomson Blinky
Antony Hill
Henry Mitten

51

over

## Onondaga Chiefs

Capt. Cold
Button George
Onondaga Peter
Samuel George
John Killbuck

## Cayuga Chiefs

James Young
Joseph his X mark Isaac
James his X mark Tucker
Jack his X mark Wheelbarrow

28
54
59
141

Copy of the
Remonstrance pre
sented & Signed by
64 chiefs in Council
at Buffalo against
the Treaty - handed
to the Secy of War by
the Seneca delegation

Copy

Washington 21 March 1838

Sir,

I have received the several communications relative to the late Council of Buffalo Creek which you referred to me, and given them that attentive consideration which their importance required. One general error appears to pervade all these papers. Their authors seem to believe that there were several persons at that Council, as Commissioners on the part of the United States. H. B. Potter and Orlando Allen are frequently, among others, named as Commissioners. The acts of these individuals are mentioned as "the Acts of the Commissioners". J[illegible] Trowbridge Esq of Buffalo, attended to the Council as a Superintendent from the State of Massachusetts, and myself as a Commissioner on the part of the United States. No other person attended as Commissioner. The United States had no control over any person there but myself, and is not responsible for the Acts of any other person. It will be observed that my name is not mentioned but [illegible] in all these papers, and then in connection with a [illegible] supposed to have been made by me, when an [illegible] surrounded the Council House and [illegible] [illegible] Indians. — Mr Trowbridge [illegible] not mentioned at all. — The other persons are [illegible] all of them as Commissioners, and [illegible] charges which are apparently [illegible] "Commissioners", are in fact, in [illegible] other persons.

[illegible] extending [illegible]

The treaty is impeached by the frauds of those who procured it whoever they were

Does that mistake invalidate the [illegible] of facts?

[illegible] I will make such remarks upon these papers as appear to be called for by the statements in them.

## The Remonstrance to the President.

This document is without date, but doubtless the paper referred to by me, in my report to you of the 27th of February last. That report will show that this paper was not wholly executed, or acknowledged in the presence of the persons whose names appear to it, as witnesses, and there is no evidence that it was ever signed by all whose names appear on it. Before making that report I had seen the remonstrance dated February 7th 1838, which had previously been presented to the President. That remonstrance, and the one now before me are, I believe, in the same words, with sundry additions to the former, and both have the same names to them. My answer to that remonstrance is a full one to this, and I beg to refer to it. An examination of the two papers will create the impression upon your mind, that the same controlling influence produced both, and that one of them is a forgery throughout, and that those whose sense of moral obligation is so blunted, as not restrain them from the fraudulent creation of the one, cannot be relied upon for the fairness of the other, or any other paper, the authenticity of which they may exhibit in opposition to the Treaty.

The copying the present remonstrance and adding largely to it, of statements known to you, to be untrue, seems to prove that all means are to be resorted to for defeating the treaty. I have no knowledge of the certificate attached at the foot of this paper, dated February 10th 1838. It appears to be all in one handwriting, but whose I cannot state. The ink is all the same, except the name of the witness. Why the witness did not, if he was present at the signing of all the names write his in the same ink as the signers, I cannot say — that he did not do so might lead to the inference that the paper was brought to him in its present state, and that he then added his name. It will be seen, that although all the signatures appear to be in the same hand writing, still seven of them are without the common addition of a cross or mark. These circumstances, and your knowledge of the manner in which such papers are often got up among Indians, will enable you to place the proper estimate upon this certificate.

Powers of Attorney from 58 Chiefs of the Seneca Nation. I never saw or heard of these papers before. I observe to them the names of several persons who I understood are not chiefs at all. — Others are not Seneca Chiefs. For instance, James Turkey who signs the Cattaraugus power is a Cayuga, and as [illegible] his name appears to the remonstrance sent from Buffalo. He is not on the list of Seneca Chiefs. I have understood that George Killbuck whose name [illegible] was an Onondago — John General and [illegible] John, I understood are names applied to [illegible] individual. Whether there are [illegible] [illegible], my personal knowledge does [illegible] It is conceded on all hands that a large number of regular Chiefs did sign the treaty — the remonstrance states twenty seven. This power of Attorney has fifty eight names. Add these two numbers together and they make eighty five. The affidavit of Big Kettle states there are but fifty one in all. The list furnished by Robinson and others, state that there are seventy. Take either number as giving the correct aggregate, and it is incontestible, that this paper has the names of a large number of persons who are not properly Seneca Chiefs. There must be something wrong about this power of Attorney which requires explanation.

## Copy of Contracts between Agent of Preemptive Company and John Snow and Joseph Snow.

There appear to be copies of agreements between Genl H. B. Potter, and John and Joseph Snow, by which the latter engage to assist in inducing the Indians to emigrate in accordance with the policy of the General Government. They bear date several months before the Council was held. Joseph Snow did not sign the treaty. I have no knowledge whether such contracts were entered into with these Indians or not. These papers seem to be copies of copies, and the only evidence of the authenticity of one of them is an Indian certificate, and the other is not authenticated at all.

## Remonstrance of the Judges and others

of Chautauque County.

I saw the original of this paper in the Office of the Secretary of the Senate. It is in the hand writing of a lawyer residing at Jamestown in Chautauque County and purports to have been signed at Mayville. It struck me at first as very singular that persons residing at so great a distance from where the Council was held, should attempt to state what occurred at a point so remote from them. A closer examination of the paper [illegible] ined the whole. Nearly every statement contained in that paper is made expressly upon hearsay evidence. [illegible] paper says, speaking of the Senecas, "This nation of [illegible] reside in our immediate neighborhood." How [illegible] Jamestown where very many of the signers reside, [illegible] either of the Seneca Reservations, and how near [illegible] man in Chautauque resides to Buffalo Creek (the [illegible] reservation and nearly as large as all the [illegible] to Tonnewanda, can be ascertained by a [illegible] to a map of the State of New York. This paper [illegible] say evidence, that the treaty was [illegible] advantage of the necessities of the [illegible] fied and imposition and seems [illegible] ts these things to the Agent of [illegible] imposition and unqualified [illegible] ges, so far as I am concerned, or so [illegible] states that a majority of Chiefs and [illegible]. A majority of Chiefs did sign, [illegible] the Seneca treaty. It states [illegible] to the treaty will show [illegible]. It states that some of

those

those who did sign were intoxicated. — This statement is without any foundation and there is no possible apology for making it. It states that the expectation of large rewards induced some to sign and that warriors were promised from fifty cents to fifty dollars. I know of no such expectations or promises. At least one part of this story will gain but little credence when it is known that no Seneca warriors were permitted to sign the Treaty. It is further stated that "Joseph Snow, one of the chiefs who signed the Treaty, has delivered" &c a contract promising him $1800 &c As Joseph Snow did not sign the Treaty, I can give no more credit to one part of this story than the other. The copy of an intended contract now adduced by Robinson & others states eight hundred instead of eighteen, an error indicative of the reliance that can be placed upon the statements in this memorial. — This paper says "several of those who signed, changed their minds and desired their names erased." This is incorrect. One old man, on being informed, by white men, that the country set apart for New York Indians was sickly, that people on arriving there, and especially old men, were taken vomiting and usually died immediately, did make a request to have his name taken from the Treaty. I did not think I had power to erase his name nor that it was, under the circumstances, proper, and clearly I could not erase it from the Treaty, or conveyance for the sale of the reservation, which was under the control and direction of the Massachusetts Superintendent. — But before the close of the Council

this man changes his mind back again, and at the
[illegible] of it, spoke in favor of the Treaty and emigration.
paper further asserts that at the close of the Council
was agreed" that the treaty should be submitted
[illegible], in order to ascertain the views of the
people at large. I never heard of any such agreement
[illegible] any such was made. This paper
[illegible] that at Cattaraugus four hundred and
and warriors were opposed to the Treaty,
[illegible], about six hundred and at Allegany
[illegible] and at Buffalo Creek a large
[illegible] to be opposed. — The Census of the
[illegible] 1837 shows that there are but 2403
[illegible]. Of these 540 reside at Cattaraugus,
[illegible], 584 at Allegany and 730 at
[illegible] makes 1650 chiefs and warriors;
[illegible] reservations as opposed, while
[illegible] and children, there are but
[illegible] this statement is correct
[illegible] and warriors in favor of
[illegible], and what is a little
[illegible] 173 souls there should be
[illegible] but 23 women & children
[illegible] four chiefs resident there
[illegible] is a fair test of the
[illegible] on which this

[illegible] expresses the belief,
[illegible], it should be ascertained
[illegible] Government
agents —

Agents. This is proper, and for myself I shall at all times be willing to attend any properly conducted investigation. At any such investigation it would not be uninteresting to learn with whom this remonstrance had its real origin, and whether any of those engaged in getting it up, find it profitable to traffic with the Indians in goods or in purchasing of them valuable timber, or in leasing of them lands and water power. It might also be interesting to know whether one of the principal men who signed this paper, when at Buffalo just about the time of the Council, wished to engage in the purchase of one or more of these reservations, and whether he did not fail in the object of his mission and return home disappointed. It would also be interesting to know, whether certain persons entertain the opinion that the opening the Cataraugus reservation for sale, may affect the growth of certain villages on Lake Erie and occasion a rival among them which may have an important bearing upon speculations in that quarter. This paper states that "there is a perfect willingness on the part of the Indians to have their lands equitably divided, so that each individual in the nation shall hold his portion of the lands in severalty, with full power to dispose of it" &c, and the signers approve of this course. Those who are familiar with the transactions of white men with Indians, and have witnessed the facility and cheapness with which the former appropriate to themselves the lands of the latter, when permitted by law to do so, can well appreciate the value of such a measure to the Indians and to the whites. They will not be at a loss to understand how soon a vast majority of the Indians would be without a foot of land or a shelter for their heads. An intelligent Indian might understand the value of such, & appreciate the motive dictating it.

*Memorial of the Quaker Society.

The Commissioner has already

[illegible] of the Delegation from the Seneca Nation.
This document raises, nine objections to the Treaty. 1
The first and second of these relate to the Acts of others,
[illegible] agents of the Preemption owner and concerning [illegible]
[illegible] The address to the Hon. Samu
[illegible] it is not among the papers re-
[illegible] I have not seen it, and am unac-
quainted with its contents – The third objection states
[illegible] council a majority of Chiefs expressed their
[illegible] not to sell. and that then only Twenty
[illegible] signed the Treaty – No such determination
[illegible] by a majority of the Chiefs. and a
[illegible] did sign them – No vote was
[illegible] shewing how many were for, or agai
[illegible] letter annexed to my former report
[illegible] business – The only test, as
[illegible] of the treaty was the signing. This mann
[illegible] approved of by both parties in Council
[illegible] shews that there are
[illegible] of them have been erased. In
[illegible] the opposition delegates, it is
[illegible] chiefs signed the Treaty –
[illegible] and it, not
[illegible] list which they claim is
[illegible] Twenty [illegible]
[illegible]
[illegible], or that they have mis-
[illegible] the Council
[illegible]
[illegible]
[illegible] signatures

[illegible]

a public house on the Reservation, about the [illegible] mile from the Council House, and separated from it by Buffalo Creek which made portion of the time impassible. After a large portion of the signatures had been taken, I gave [illegible] the Council, that when it was very bad crossing the Creek, and impracticable to go around by way of a bridge, and when Chiefs from indisposition, or other cause, prefered it, I would receive signatures publicly in my room, to which no one objected. If this was doing wrong it was done unintentionally. I did not however do even this, without proper consultation. Before giving this notice, I consulted with the United States Indian Agent who is more familiar with Indian Affairs than myself, and several other persons present, and also with very many old respectable and intelligent chiefs, and all concurred in saying there was no impropriety in my doing so, and that such a step was not in violation of any known Indian law or usage. I could not understand, why it was not as proper for Chiefs, who desired to do so, to write their names at my room where there was a table and conveniences for writing as to do so at the Council House where there was none, except borrowed and brought there from day to day, and when there were no conveniences of that description. The remonstrance and many of the other papers which purport to have been signed at the Council House are known to have been executed, wholly or in part, elsewhere. I was informed that this was usually so. Every day when I could get to the Council House with the Treaty to offer it for signature, known to all. There was no secret about who had signed. and up to the close of the Council, not a single objection was made against the place of signing. Several signed at my room, who from lameness, or indispositions were unable to reach the Council house — When at St Regis, the Chiefs themselves offered. if it was more convenient for me, to go about a mile to my lodgings, to sign. I did not desire it. and they did not go — I enquired however, if they deemed it as proper to sign at my room, as the Council House — I was answered in the affirmative, and told that it was their custom to receive communications from the Government in Council, and that afterwards when the Chiefs had made up their minds, they might sign when & where they pleased — This objection to the place where a few signed is a mere afterthought — Kennedy, one of the signers of the remonstrance. and his father and others. after nearly all had signed came to my room to look at the Treaty [illegible]les. I read all the names to them. and such of [illegible]isions as related to their tribe and such others as [illegible]sired — They expressed themselves satisfied with its provisions, and the manner the Council had been conducted, but [illegible] not at present wish to emigrate, or otherwise they [illegible] the Treaty. The liberality of the Government and [illegible] provisions were all expressly assented to, [illegible] emigration itself. This was the only [illegible] Council, by persons speaking in [illegible] opposed to the Treaty.

[illegible]is, that a majority of the regular [illegible] treaty — The objections to the [illegible] in their statements concerning [illegible] former Report is quite full [illegible]ence there adduced, as to

Seneca Chiefs, and that there are but fifty one now living. He further swears that N. T. Strong and two others who have signed the Treaty are not Chiefs. A reference to the list of Chiefs appended to my former report, will show that those opposed to emigration have [illegible] recognized some of these men as chiefs, and attempt to oppose them because they are in favor of emigration, and that the President had decided on appeal by them to him that he would recognize them as chiefs. Notwithstanding Big Kettle swears that there are but fifty one Chiefs, this remonstrance states that there are seventy; and the affidavit of Isaac Jemison, John Gordon and Long John states that there were "present at the Council about ninety Chiefs of the Seneca Nation"; Big Kettle swears that eleven persons not full Chiefs had signed the Treaty; while the Statement now furnished by Robinson and others, affirms that there are Seventeen — The Indian Agent's letter to me annexed to my former report, states that there are Eighty one regular Chiefs — Amid so many conflicting statements, which is to be adopted as the true one? [illegible] is an intelligent man, had his list of [illegible] when he prepared the Statement [illegible] in taking his [illegible]

If the Agents statement is correct then it is quite certain that a majority of regular Chiefs have signed the Treaty— Even according to the statement of Robinson and others it is conceded that there was a majority, but for the alledged fact that some who have signed are not Chiefs— Their statement on this point is contradicted by that of the Agent, and is inconsistant with the Affidavits of Big Kettle, & Jamison, Cordon & long John furnished by the objectors themselves— The decision of President Jackson is also against them— This is not all— Thirteen of the persons who are objected to by name as Chiefs actually signed in Council in presence of all who were present and no one objected to their being Chiefs— It may be well to note that taking Big Kettle's Statement of the number of Chiefs at fifty one as correct, and striking off from the Treaty the eleven names which he objected to there are still remaining thirty four names, a clear majority by his own Shewing of all the regular Chiefs.

It was always known to the Council from day to day who had signed the treaty, and at its close those present were informed who had signed, and that it was my understanding that a clear majority had signed— No one objected to any of the signers, as not being Chiefs— The objection was never raised in Council at all, and I never heard anything of it further than is stated in their report— The opposing chiefs who at the close made me a formal address complimenting [illegible] manner in which I had transacted the [illegible] of their personal regard, did [illegible] against the Chieftainship [illegible] the allegation that [illegible] the treaty —

[illegible] is that a numerical force of the nation is opposed to the treaty — Certainly I cannot know how this fact really is, nor do I believe those who remonstrate know themselves — My Opinion is [illegible] — the most valuable parts of the reservations are now occupied by the Chiefs and old men, some of them, as these affidavits shew, have more than one tract which they claim — Several of the Chiefs told me actually lease to others (generally white men) large and valuable tracts in defiance of the laws of the State.

The young men enjoy no such advantages — Many of them informed me that the best lands were beyond their reach, and that they had not means of clearing and fitting others for use — They said let us go West where we can all have a fair chance, and land enough that is good. That portion of the women who place a proper estimate upon the evil consequences of a residence contiguous to Cities and villages, I was informed were generally in favor of emigration, hoping that it would save their nation from Vice and destruction — There cannot in my opinion, be any more reliance placed upon this assertion in the remonstrance, than upon a similar allegation in the Chautauque memorial, which I have shewn by figures to be entirely fallacious — Indeed I doubt whether those who were not of the Council, know enough of the Treaty to say whether they were pleased with it or not. The want of information in this respect, man[illegible] in the papers before me, is proof of this. According [illegible] every soul on the Allegany reserva[illegible]

[illegible]

[illegible] many Children who cannot possibly have any mind at all on any such subject — Some of these large families, (in some cases are said to Consist [illegible]) must have Children in them, Still in [illegible] furnish an Indian "public opinion", these [illegible] put down as having given opinion adverse [illegible] is betraying more anxiety, than Candor. [illegible] and in my judgement this "statistical [illegible]" is unworthy of Credit.

[illegible] position is fully answered in my [illegible] papers.

[illegible] petition speaks of "threats being used" &c [illegible] conveying the Idea that I used threats. I [illegible] unqualified denial — I did [illegible] I well recollect, however [illegible] what would be done, with the [illegible] removed — I stated distinctly [illegible] no authority for saying what would be [illegible] but that It had [illegible], when a nation [illegible] position had actually [illegible] to reside at their new [illegible] there, and from [illegible] would be the Course

the Government would pursue with the New York Indians — I further said to them, on another occasion that a father was usually more kind and liberal towards such of his children as regulated their conduct according to his advice, than he was to those, who were disobedient &c. That this natural course of action, was illustrated in the instance of their Great Father, the President, who was offering in the treaty, great advantages to those of his children who should conform to his wishes and remove to the West, while he offered none to those who were disobedient to his wishes — This information and these arguments were not designed to intimidate, nor did they do so; for it will be remarked, that not a single person has alleged under oath, or otherwise, that he or any one else, were influenced by any such consideration. —

The last objection is, that the annuities [illegible] paid to the Senecas — I am inclined to [illegible] what I heard, that they are mistaken, [illegible] of the $4.500, payable in [illegible] goods &c., is concerned — But I [illegible] knowledge on this subject — The [illegible] annuity payable in cash, [illegible] knowledge concerning it [illegible] were not withheld through [illegible] paymaster who made [illegible] I was informed, [illegible] he was furnished [illegible] he alleged are questions which refer themselves to him, and not to me — If they were withheld, as this remonstrance supposes, for the purpose of aiding in effecting a treaty, I can only say that it had no such effect — As the government during the Council, fed the Indians, according to the established usages in such cases, they did not then, very forcibly feel the want of their annuities, while their non-payment was cited by those opposed to emigration, as evidence that the Government would not perform its engagements to the nation, when it should remove — In their first remonstrance, the opponents of emigration charge, that I, as Commissioner, for several months past, had had their $6.000 Annuity — Whether it is intended in this remonstrance to reiterate that charge I do not know — You know that it is wholly groundless — From the occurrence of such extraordinary mis-statements, I think I am warranted in inferring that these men sign whatever designing, or ignorant men may offer them for that purpose, or that their names are put to such papers as interested men may think will further their own purposes, without the formality of their assent.

## Affidavits of various Chiefs

These papers have been carefully read — The allegations in them have been substantially answered in the previous part of this communication — It is however due to the Government and myself, that I should make some remarks on several of them, lest it should be inferred from my silence, that [illegible] are entitled to some credit — I should have been the subjects of imposition in respect to them— I am confident some of the affiants never intended to make the statements contained in them— What is there alleged in relation to [illegible], I cannot answer for further than say, I [illegible] no knowledge of the misconduct charged— [illegible] characters, so far as I know them, are a [illegible] guaranty that they have not committed [illegible] imputed to them— It is stated in some [illegible] affidavits that the Commissioner employed [illegible] to induce men to sign the treaty— this [illegible] entirely mistaken. I employed no such persons— [illegible] inducements offered by me, for that purpose [illegible] to be found in the Treaty itself, and the [illegible] advantages which are expected to flow [illegible] them. To sustain my conclusions in this respect, [illegible] the fatal consequences of longer continuance among the whites, I read from the messages [illegible] Chief magistrates, from the [illegible] Secretary of War, from the letter of Gov= [illegible] addressed by Governor [illegible], and various other [illegible] which I expressed were [illegible], and were seconded [illegible] in speeches addressed [illegible] neither party [illegible] [illegible] others stated [illegible] the treaty for [illegible] means *all* who signed that affidavit. I think they are mistaken, because I am quite confident they were not *all* present at that, or any future period of the Council. But if they mean *all* the Senecas, the other affidavits show that their statement is incorrect — John Dennis mistakenly states that Col. Wilcox was a Commissioner. He also states that the "Commissioners came to the Cattaraugus reservation &c — I have not been there since 1818 — He states that twenty five [illegible] signed the treaty in Council, but does not know where the other signatures were obtained. This is pretty good proof that he was not at the Council, but if he was then the statement must be untrue — The four signers to this affidavit all state that they understood that their names were to the Treaty, though they did not sign it — If they had actually attended the Council until the close of it, which I believe neither of them did, they would have better known who signed the Treaty — Their names are not to the Treaty at all — This statement illustrates the value of hearsay evidence —

The affidavit of William Ellick, swearing to something about a person, whose name is in blank, is a proper instance to illustrate the value of exparte Indian affidavits — I infer from it, first, that it was prepared when the affiant was not present; for if he had been present, he would have named the Chief he was employed to go and see, and secondly, that it was not read to him when he swore to it, or else the blank would have been noticed and filled - These conclusions must be adopted, or else we must say, that it is wholly an imposition, and the person whose name is in blank, is entirely imaginary - His affidavit erroneously calls "Orlando Allen one of the Commissioners," and mistakenly asserts that White Seneca was an Indian hired in the employ of the Commissioner - A question naturally arises, why did not the person, whose name is in blank if one really exists, make an affidavit himself, instead of leaving it to Wm. Ellick to make one of what he was informed by him - If this blank man was not really a Chief, why was Ellick sent there by those opposed to the Treaty? Was he not sent to prevent his assenting to it? Does not this affidavit afford a clue to the exertions used to prevent people from signing the Treaty?

James Shongos affidavit states that he signed the Treaty after the adjournment of the Council - If he means the final adjournment, he is entirely in error - He says the Commissioner frequently told him, he would not get any thing unless he signed - His statement so far as it is applicable to me is entirely unfounded -

John Snow's affidavit states, that at the time of signing he was opposed to the Treaty. He also refers to other matters of which I know nothing - Nor do I know [illegible] seen, but I do know -

that at the commencement of the Council he declared himself to be in favor of removal, and often came to see and sit with emigration Chiefs, and once at least, he came with other emigration Chiefs, to dine with me, and appeared to be as any of them. At that time no one seemed better pleased with the offer of the Government, and he expressed at the close of the Council, publicly to that body, his concurrence in the Treaty. These facts do not furnish evidence of his being opposed to the Treaty.

The affidavit of Jacob Jemison, John Gordon and Long John, states that there were present at Council about ninety Seneca Chiefs. This is inconsistent with all the other evidence offered to oppose the Treaty. Jemison states that he did not sign in Council. In this he is entirely mistaken. If their statement that they were told they could make individually some provisions for themselves by signing, is intended to refer to me, it is untrue, as I never gave any such information to any person. The other matters about which these men testify, relate to other persons, and concerning which I have no knowledge.

John Bark's affidavit states that he was sent for &c by the Commissioner. I never sent for him. He also incorrectly states that Orlando Allen was one of the Commissioners.

John Tall Chief's affidavit states that an armed force from Buffalo surrounded the Council House and took away several Indians, and that I remarked to him, "Now you see what law the white people have to force the Indians" — The Military authority did surround the house, and took from thence one Canadian Indian who it was suspected was there to incite the Senecas to participate in the frontier difficulties — This produced so much confusion that I adjourned the Council for the day — It was remarked to me by several Indians who spoke English, that they were getting a specimen of white mans laws and that they had got enough of them — I recollect on leaving the Council to have repeated in substance this remark, but I do not think it possible that I addressed any such remark to this man, as my intercourse with him was always I believe, through the medium of an interpreter — This affiant states that he signed the treaty with the door locked — Though I occupied my room several weeks, I never discovered a lock on the door, though I often wished there was one so that when I desired it, I could have my room to myself — He mistakenly calls Colonel Allen a Commissioner — I know nothing of the other matters referred to in this affidavit [illegible] before leaving remark that this is the only affidavit in which my name is mentioned, [illegible] nearly all of those other persons are named

[illegible]

[illegible]'s affidavit alleges that [illegible] Seneca Nation" — He [illegible] and often told he he was such, and as such signed the Treaty — His name is to the remonstrance sent from Buffalo, as a Cayuga, and it is not on the list now furnished by Robinson and others — He describes James Young and Wm King as Agents employed by the Commissioner — In this he is mistaken — He also states that he was deceived by James Young by being told that a majority of Chiefs had signed the treaty — I know not what James Young may have told him, but I do know, that when he signed, every Cayuga Chief, except one, was present, and he was the last one who signed, and knew who had signed — He also states that he was offered $500 to sign, and still he seems to have signed without a reward, merely because he was told a majority had done so — This would seem to prove that he had no mind of his own — The Government did not offer him, or any one else, any reward not appearing on the face of the Treaty, and as the Cayugas had no land to part with, I am quite at a loss to conjecture who could have offered this man $500 to sign — I think I am warranted in the inference, that this affidavit was not understood by the affiant when he attested to it, or he would never have described himself as a "Seneca" — This must be so, or else he, and those who were the actors in getting up this affidavit are perfectly regardless of the obligations of truth — In either case no credit can be given to this affidavit —

John Seneca states in his affidavit, that he was told that White Seneca was employed by the Commissioner — This hearsay piece of evidence is perfectly fallacious — He further says he signed, because he was deceived by White Seneca — I cannot answer for this, as I know nothing about it —

— George Lindsey's affidavit describes Orlando Allen as a Commissioner — He further states that Allen went to another room and brought a piece of paper with the names of Black Chief and others upon it, and told him they had all signed, and that in as much as those persons to whom he looked for direction and advice, had signed, he consented to do so — I know nothing of what may have occurred between the affiant and Orlando Allen — But I do not believe any portion of this story for the following reasons, to wit — George Lindsey is quite a young man who reads and writes — The latter fact is shown by his signature to the treaty — A short time before he signed, he came to my room and read over the names to the treaty, and at his request I pointed out such articles in that instrument, as he desired to see — I recollect he made some remarks concerning some individuals whose names he was reading — At the time he signed the treaty he again looked over the names, and I pronounced them — When he first looked over the treaty as above mentioned, he said he [illegible] signed it — Knowing these things, [illegible] conclude that he was deceived into [illegible] Black Chief and others, opposed to Emi- [illegible] signed did so himself [illegible] — He does not say his Chieftainship no great compliment in affirming that he did not act upon his own convictions, but upon the precedent of others.

William Cash states in his affidavit that Daniel Two Guns and Sam Gordon, were employed by the Commissioner. In this he is somewhat mistaken. He speaks of what he was told by these persons, of which I have no knowledge. Whether they deceived him or not I cannot state.

The affidavit of Big Kettle is quite inconsistent with the other affidavits and papers submitted to me. He swears that there are but fifty one legal Chiefs, while others state a greater number. The remonstrance of Robinson and others says, there are seventy one. He names but eleven signers are not Chiefs. Even under this statement, if true, it appears that thirty four have signed, making a majority of seventeen. Again take his statement that there are but fifty one Chiefs and that of Robinson and others, that seventeen who are not Chiefs, signed the treaty, and still there is a majority of five who signed. Big Kettle, however, says that but thirteen legal Chiefs signed the treaty. In this he is contradicted by the remonstrance of Robinson and others which says there are twenty seven such signatures. All the affidavits which attempt to give the number of legal signatures give a vastly larger number than Big Kettle's. The story he swears to that John Banks told him, is not in accordance with Bank's own affidavit. It appears by this affidavit that

Burke told Big Kettle, Orlando Allen was one of the Commissioners, and had given him two dollars to sign a piece of paper, and that bye and bye he would give him a thousand dollars more. Burke's story as related in his own affidavit is so.

very different affair, and the transaction seems to have been mostly with a different person. If Big Kettle is to be believed, then Baik has told one story, and sworn to another. I think little reliance can be placed upon this affidavit of Big Kettle.

The certificates of the attesting Officers, shows that the United States interpreter was not the organ of communication when these affidavits were sworn to, and probably not when they were drawn - Two persons Kennedy and Williams, were the sole organs of communication, each to different affidavits - I know full well, the difficulty in communicating with Indians, even with an interpreter upon whose honesty of purpose, and general intelligence I can rely. If these men Kennedy & Williams, were deficient in either of these great requisites, honesty and intelligence, serious mistakes might occur, with the best intentions. The affidavits from Erie County were all made through the intervention of Kennedy, and those in Cataraugus, through Williams.- In every instance all depends upon the honesty and intelligence of an individual Indian. He had it in his power to mould and form the matter stated, in a manner to suit his own purposes. If his feelings were enlisted they might give a colouring to every thing said to him, when he communicated to the person drawing the affidavit, and that colouring might correspond with the intensity of that feeling - If he was a bad man he might shape all to meet his purposes, and if an ignorant one, his ignorance might lead to fatal blunders.-

Do either of those men duly appreciate the solemnity of an oath? Are they intelligent? Are they honest?

These papers themselves, to my mind, negative both of the last queries, if not the first — Is it possible that an honest, and at the same time, an intelligent man, could have been the organ of communication in procuring and attesting such affidavits as Wm Ellicks, Jack Wheelbarrows and others? How does it happen in all instances but one, that Kennedy is present and interprets? How does it happen that he interprets, or witnesses, in the case of George Lindsey who can speak English, if permitted, and writes as well as he? Kennedy's own remonstrance and other papers here proves some of these affidavits to be untrue, and I have shown that not one is true in all respects — For instance the remonstrance and list of chiefs, show that the four affidavits stating that there are ninety Seneca chiefs, and Big Kettles that there are but fifty one, and Jack Wheelbarrow's that he is a "Seneca Chief" are untrue. My own allegations show that there are other mis statements, almost without number, in these affidavits. Now which is it the most charitable to believe, that all these chiefs have borne false witness, or that the ignorance or fraud of their interpreters have betrayed them into so many untruths — My charity leads me to place more confidence in the honesty of these numerous affiants, than I do in these interpreters, and an examination of Ellick's affidavits must lead all to the same conclusion. The accuracy of these affidavits are impugned by an endless variety of facts and circumstances which I have detailed. Again what reliance can be placed upon the testimony of witnesses to prove a crime, against [illegible] their own oath proves them to have been guilty

This remark is applicable to those who profess to have been bribed — I however do not believe that the affiant ever intended to make the statement which appears in these affidavits — I am unwilling to believe them to be so totally regardless of truth — I do not think these affidavits entitled to sufficient consideration to induce the belief, that any thing unjust has been done by the persons whose names have been mentioned — The fact that the preemptive owners have an interest in extinguishing the Indian title, does not authorize the inference of bad conduct on the part of their agents.

It seems to be assumed in the protest of the dissatisfied portion of the Seneca Indians, and also in the memorial of their friends, that the treaty between the United States and the New York tribes, and the treaty of purchase between the Seneca tribe, and the preemptive owners, releasing to the latter the Seneca reservations, are one and the same, whereas in fact they are distinct instruments. The latter is probably that against which the objectors design chiefly to complain.

It is true that both were the subjects of discussion in the Indian Council, and both were agreed to and simultaneously signed in my presence. As a United States Commissioner I approved the treaty of purchase, considering the sum agreed to be paid to the Indians, for the reasons mentioned in my former reports as it was considered on all hands to be a just and equitable compensation, and having no reason to doubt that the purchase was fairly made.

This compact was negotiated and concluded under the immediate superintendence of an Officer commiſsioned by Maſsachusetts, pursuant to the convention of 1786 between that State and the State of New York – It was approved by him, and I understand has since been confirmed by the Governor and Council of Maſsachusetts. I am not aware that it requires any action on the part of the President and Senate of the United States.

I will here remark that the provisions of both instruments were often and fully explained in Council, and the Chiefs were frequently invited either there, or at my room, to ask for the explanation of any thing in either that they did not fully understand. I have no doubt that every Chief who attended the Council and who was capable of understanding such transactions fully understood them. – All parties among them professed to understand them.

No one was permitted to sign without my making the enquiry what his wishes were concerning signing and whether he had heard the papers read and explained, and whether he fully understood them. If any one did sign without doing so fully and understandingly, then he deceived me in his answers and the blame is with him.

It is proper to state that all the names to the Seneca treaty, with a single exception, were written by the Government agent resident with them, and in no instance did I write a name. –

# Supplement

Since preparing the foregoing report I have received from you, a memorial signed by two individuals in behalf of certain Quakers in New York, Vermont and "parts adjacent." & a letter purporting to emanate from Big Kettle and certain other Seneca Chiefs, addressed to the Hon: Samuel Prentiss of Vermont.

This memorial from the Quakers reiterates a portion of the allegations contained in a similar one from Philadelphia which I have commented upon in the body of this report. I there shew that the statements which go to impeach the fairness of the treaty, or to impugn the conduct of the Government Agents, are entirely unfounded. What I there state as applicable to that memorial, may be applied to similar statements in this. This memorial like that predicates all its imputations entirely upon hearsay evidence unsupported by a particle of proof. In both instances, the signers reside hundred of miles from where the Council was held and not having been present at the Council, they must have trusted to others for the correctness of their allegations. Whether in making imputations against others, upon hearsay evidence and without defining the Offences, or pointing out the witnesses by whom they can be proved, is a manifestation of Christian charity, I will not pretend to determine.

The allegations contained in the letter addressed to Mr. Prentiss, are in substance the same as those contained in the other upon which I have commented in the above report. I do not know what occurred in getting delegates to explore the Western country last fall. Not having heard these objections before, I cannot now credit them.

The language imputed to me in this letter, I never used, and if such statements were communicated to the Council, they were the coinage of the interpreter. It would extend this supplement to an unreasonable length, for me to criticise this paper minutely and point out its numerous errors. The complaints made in it against me, are all unfounded, as I have shown in the foregoing report. The paper now before me does not purport to be a copy and I presume is not so. Still, except one or two interlineations, and the address to Mr. Prentiss, it is all the same hand writing and the same ink. No one appears to have signed it otherwise than by making his mark & it is not witnessed by any one. There is no evidence whatever of its authenticity. It does not even appear to have been interpreted into the Seneca language so as to be understood by such of the signers as do not understand English (and this embraces nearly every person whose name is to it) before signing. It bears date Buffalo Creek February 28. 1838. Still I am told that Robinson & Blacksmith two of the pretended signers, were not there at the time, nor have they been since. If an unauthenticated paper, executed by the mere making of a mark, as in this instance, is to obtain any credit, or be intitled to any consideration at all, then it will not be difficult for either of the contending parties to multiply [illegible] names to an unlimited extent.

[illegible] this paper will show incon-
[illegible]

in it, and that its statements are irreconcilable with others sent here, and purporting to be signed by those whose names are to this. Why papers designed to oppose the treaty are so often multiplied and promulgated in so many forms, are questions not for me to settle. Is it designed by this that these statements shall acquire a credit from frequent reiteration which they could not otherwise obtain? Do they not afford some evidence of a desire to forestall opinion?

Should you desire it, I will point out to you the great want of harmony between the statements in this paper and the others before me.— &c

Your Obt. Servant

R. H. Gillet

3-21-1838

Extract from the Report of the Hon R. H. Gillett dated March 21st, 1838.

"Memorial of the Quaker Society"

This document reiterates on hearsay evidence several of the charges made in other papers which have been sufficiently answered. Two persons of this Sect attended the Council a portion of the time while in session, and used unwearied exertions to prevent the Indians from assenting to the treaty. It often occurred, that after I adjourned the Council for the day that these men would collect about them as many of the Indians as they could in the Council house, and harangue them on the subject of emigration, endeavoring to dissuade them from it, and attempting to inculcate the idea, that the Government in making such liberal offers never intended to fulfil them. I understand these men have leases of certain Indians, [contrary to the laws of the State] of lands on one or more of the reservations which they wish to continue to enjoy. If they are informants of their brethren in Philadelphia, I can understand that the latter have been deceived [illegible] for those two men, and others similarly situated [illegible] very few in my opinion would have [illegible] migration. This memorial encloses a [illegible] Munroe, while President, in which he says, [illegible] informed, that the Senecas of Allegany "have [illegible] sober and industrious". I regret that my personal observation will not enable me to confirm the truth of this observation as applicable to the nation generally. The desire to improve the nation expressed in this memorial, I am not disposed to question. But I apprehend the writer is quite mistaken in his estimate

3-21-1838

mate of the state of improvement which really exists among them - A few have made advances, while the great mass remain in a state of ignorance & wretchedness - Their contiguity to Cities and Villages without increasing their advantages, multiplies their vices and increases their poverty - Except with a few, the mass of their earnings and income is devoted to the gratification of their appetites for strong drink - Much of their time is spent in idleness - Many of their women are victims to the passions of the lowest and most degraded white men, and are the medium of spreading a disease which carries many to their graves -

I think it a mistake to expect immediately to change the Indian from a hunter, to an agriculturist -

In the talk of Mr Munroe above referred to, he informs the Senecas, that they cannot become civilized until, "each one has his land separate from all others," like his white children, and adds, that then each one could say, "this is mine and then he would have inducements to put up good houses &c - In this he was unquestionably correct - But the New York Indians do not hold their lands by any such tenor, while in the treaty it is provided that they may do so at the west, but without power to alienate to white men - In their present situation there are but few instances of their clearing and cultivating land - But let them hold in severalty, and take the first and natural step from the hunter to the pastoral state, then we may expect in time to have them take the second, and become good agriculturists - Such has been the course in nearly all countries and in all ages - The action of the General Government is calculated to aid the Indians in taking both the first and second step

step in improvement- The country set apart for the New York Indians has on the margin of the streams a sufficient supply of timber, and the residue is prairie- The climate is sufficiently mild for cattle to live out on the prairies during the winter, and hence it will require but little exertion for them to raise cattle, horses and hogs- The best informed Indians, and those who have made the greatest advances in improvement, for these among other reasons are in favor of emigration. Those who find their principal enjoyment in loitering about grog shops, and in use of strong drink are very generally opposed to leaving their old haunts to go beyond the reach of ardent spirits- To aid them in becoming herdsmen, and eventually agriculturists, there are provisions in the treaty to assist the Indians in purchasing domestic animals &c- It will be [illegible] to the Indians to leave the Mills &c, erected near them by their friends the Quakers, because the [illegible] provisions for these and other erections at the [illegible] of the Government in the new country. [illegible] loss to the Quakers, as they can sell [illegible] its value if they choose- If they desire to [illegible] they derive from the sale of it to their [illegible] brethren, they still can [illegible] assistance in various ways as [illegible] best suit their convenience [illegible] be beyond the reach of strong drink [illegible] ernment will, it is fully believed, of its own [illegible] accomplish what the Quakers so earnestly desire, and if that society will act in concert with the Government, instead of opposing it's measures, it will multiply the chances of accomplishing its own objects-

If they had seen the treaty, before preparing this document, I am confident, that instead of its being a remonstrance against it would have been a petition in favor of the ratification of it— If they wish to aid the Indians by being either teachers, millers, mechanics or farmers among them, under the treaty, there are provisions for paying them for their ervices by the Government— If they desire to preach to hem at their new homes, they will find churches erected by the Government— Let this society act in unison with the Government and what they desire will certainly be accomplished.*—

Not in Minutes but see
Vol. III p 22

4ms 1838
?

4 mo. 1838

Soon after the peace of 1783 a controversy arose between New York and Maſsachusetts respecting the right to the lands lying in what is now the Western part of the State of New York.— The latter claimed them under the grant of Charles 2nd to the Duke of York, and Maſsachusetts under the grant of James 1st to the Plymouth Company, which in 1628 conveyed its right to the Maſsachusetts Bay Company. Each State claimed all the Territory within the limits of the former colonies to whose rights and privileges they respectively succeeded under the new form of government.—

This dispute came under the notice of Congreſs and a court was instituted to decide it. It was finally settled, however, by a convention and agreement between the two States, concluded at Hartford on the 16th of December 1786. By this agreement New York was to have the right of government and jurisdiction, while the title to the Soil was confirmed to Maſsachusetts, subject however to the right of the native Indians.— Maſsachusetts was also authorized to hold treaties thro' her agents, for the sale of the lands and the extinguishment of the Indian title, and invested with power to dispose of her preemptive right to such person or persons as she might choose,— Who in virtue of such conveyance should have the right to purchase said lands of the Indians, provided the contract for such purchase was made in the presence of, and approved by, a Superintendent to be appointed for the purpose by the Commonwealth, and afterward duly approved & confirmed by its Government. —

4 mo. 1838

1826, vested in the Governor,

Not in Minutes but see
Vol III p 38

In 1791 the Commonwealth granted to Robert Morr
and his assigns, the preemptive title to the lands,
and by a resolve of 26th of January 1828, it veste
in the Governor with the advice and consent of th
Council, the power of appointing such Superintendent, and of confirming the Treaty of Sale.—

On the 14th of 11th month November 1837, the Governor, by virtue of this power, appointed a Superintendent to attend a negotiation for th extinguishment of the Indian title, to be held at Buffalo between the Assigns of Robert Morris and certain persons professing to be the chiefs and head men of the Indian tribes owning & inhabiting said lands—

On the 6th of the 3rd month March 1838, a petition was presented to the Governor & Council by the said assigns, soliciting the ratification of a certain treaty of sale said to have been made at Buffalo, in pursuance of the authority above granted; an exemplification of which treaty accompanied the petition — Presuming that the negotiations leading to this contract had been fairly conducted, it received the confirmation of the Governor and Council; but information and testimony subsequently received lead to the conclusion that all the facts of the case had not been exhibited and that fraudulent and improper means had been resorted to, in order to obtain th said Treaty. Proceedings are now in progress to obtain further evidence on the subject —

Soon after the peace of 1783 a controversy arose between New York and Massachusetts ~~as to~~ respecting the right to the lands lying in the Western part of what is now the State of N. York. — The ~~latter~~ former claimed under the grant of Chas IInd to the duke of York in 1663, and Massachusetts under the grant of James 1st to the Plymouth Company who in 1628 conveyed their right to the Massachusetts Bay Company — Each State claimed all the territory within the limits of the ~~[illegible]~~ colonies to whose rights & privileges they respectively succeeded under the new form of Government. —

This dispute claimed the attention of Congress & a court was instituted to decide it — but it was finally settled by a convention and agreement between the two States executed at Hartford on the 16th day of December 1786. — By this contract New York was to have the right of government ~~[illegible]~~ jurisdiction, while the title, to the Soil was confirmed to the Commonwealth of Mass:, subject however to the right of the native Indians — Mass: was also authorized to hold treaties, thro' her agents, for the sale of the lands & extinguishing the Indian title, and ~~to~~ invest with power to dispose of her preemptive title to such person or persons as she might choose — who in virtue of such ~~disposal~~ conveyance should have the right to purchase said lands of the natives, provided the contract for such purchase was made in the presence of and approved by a Superintendent appointed for the purpose by the Commonwealth, and afterwards duly confirmed by its government. —

In 1791 the Commonwealth granted to Robt Morris & his assigns the preemptive right, & by a resolve of 26th of January 1828, vested in the Governor, ~~by~~

with the advice & consent of the Council, the power of appointing such Superintendent & of confirming the Treaty of Sale.—

On the 14th of the month called November 1837, the Governor of Mass. ~~appo~~ in ~~p~~ virtue of this power appointed ~~[illegible]~~ a Superintendent to attend a negotiation for the extinguishment of the Indian title to be held at Buffalo between the assigns of R. Morris & the chiefs & head men of the Indian tribes owning & inhabiting said lands.—

On the 8th of 3rd Mo., March, a petition was presented to the Govr & Council of Mass. by the said assigns of Robt Morris ~~asking for~~ soliciting the ratification of a certain treaty of sale made at Buffalo in pursuance of the authority above granted, an ~~ex~~ exemplification of which accompanied the ~~said~~ petition.— This treaty, on the presumption that all the negotiations leading to it were perfectly fair and honourable, received the confirmation of the Governor & Council of the Commonwealth of Mass.—

Information & testimony subsequently received, however, tends to the conclusion that fraudulent & improper means were resorted to for the purpose of obtaining said ~~treaty~~, and proceedings are now in progress by the Governor to obtain further evidence on this subject.—

4-16-1838

Done at Philadelphia & dated this 16th day of April A D 1838

The foregoing document having been Carefully translated into the Seneca language and fully explained to ~~the~~ James Robinson & Blacksmith by John Kennedy Lieut L. Jimeson and Jos. Elkinton Interpreters was signed by the delegation in our presence

Enoch Lewis
Robt Scotton
Thos Evans

Jas their X Robinson
Black X Smith
marks
John Kennedy
Lieut L. Jimeson

4-16-1838

Not in Minutes but see
Vol. III p. 36

1838?

Probably about L 4-15-1838.

To the Honourable the Senate of the U.S.

The Undersigned delegation from the Seneca Nation beg leave to remark in reply to Mr. Gillet's observations on their documents.

That the reply of the commissioner has been interpreted to ~~them~~ and ~~they~~ we think ~~they~~ we fully understand it. We are not Scholars and therefore cannot answer so well as those who have the advantages of learning. For this reason, some of the documents already presented to our Father, the President, and to the Senate, have not been so well expressed, nor so accurately drawn, as they would have been had we had the aid of Scholars in preparing them. But few of our people can read or write and it often happens that we cannot procure the aid of White men in whom we can confide. We are sensible of the disadvantages under which we labour in conducting so important a business as the present but we hope our ignorance and want of experience in such matters will entitle us to lenity rather than be made a reason for pressing the treaty on our Nation and depriving us of our homes and our lands.

Mr. Gillet says our papers are in error in speaking of several persons as Commissioners. It may be that the number of persons who took part in procuring this treaty & urging its adoption, has led to some confusion in speaking of them but if this be the case it does not render the facts stated any the less true. Mr. Schermerhorn was very active in procuring this treaty & he has been among us last Summer trying to persuade our people to consent to remove west with some of our chiefs away to

4-15-1838

See minutes Vol. 3, p. 36.

the West against the Will and voice of our nation. He was at the Buffalo council when the pretended treaty was made — Spoke several times, and took an active part out of Council to bring about its adoption. General Potter, Mr Allen, & Judge Stryker our agent, also sat in Council and seemed from the active part they took in persuading the Chiefs to accede to the Treaty, to be directly concerned in it — Mr Trowbridge was also there as Commiſsioner from Maſsachusetts. — The presence & cooperation of so many persons is the cause why some confusion has arisen. —

Our Remonstrance to the President

The Commiſsioner endeavours to discredit the Remonstrance of our Chiefs and Warriors ~~to~~ handed to the President, and says it was "not wholly executed or acknowledged in the presence of the persons whose names appear to it as witneſses" — ~~Whether~~ If any of our Chiefs signed it, after the witneſses affixed their names to it, we are ~~unable to state~~, ignorant of it — but we do know that the Remonstrance was signed in the Council during the three days that the treaty was laid on the table for signature, and that it is no forgery as the Commiſsioner would seem to insinuate but speaks the language of the Nation. — That "the same controlling influence" produced both that & the one, before presented to the President, is true — and that "influence" is the unwillingneſs of our people to part with their lands, & leave their home to seek a new residence. —

The Commiſsioner speaks of our ~~adding to~~ "copying" the Remonstrance and adding largely to it, statements "known to be untrue". — ~~Now if~~ When he ~~had~~ has shown what parts are untrue and given any proof of their falsity we shall endeavour to reply more at large, but until then it will be sufficient for us to meet the ~~base~~ ~~affects~~ insinuation by a simple statement that we know of nothing in the document that is untrue or which may not be established by full proof. His attempt to discredit our statements generally by the imputation of "fraudulent creation" is equally mean spirited, and unfair and we challenge the proof of any ~~attempt~~ act of the kind on our part. ~~Equally~~ No less groundless is his attack on the Certificate ~~of~~ attached to the Remonstrance. That Certificate was executed at the Council house at Cold Spring by the Chiefs in Council, for the purpose of expressing their opposition to the Treaty, the Remonstrance being then at the Buffalo reservation, so that they could not sign that. The colour of the ink in which one name is written seems to be a slender foundation on which to rest ~~the~~ his insinuation of its not being genuine. His concluding remarks as to "the manner in which such papers are often got up among Indians," if of any force against our documents, must militate no less against his own Treaty, that being a paper "got up among Indians" by means little calculated to give it credibility. —

## Powers of Attorney

The Commissioner is mistaken when he has asserted that George Killbuck is Onondaga — ~~he is~~ We are well acquainted with him and know him to be a Seneca Chief — He is also in ~~error when~~ he supposes John General & John Jonny John to be two names for one man. They are the names of two different persons known to us to be chiefs of the Seneca Nation —

The arguments of the Commissioner on the remark, of Chiefs signing the power of attorney proves nothing—as some of the Chiefs whose names are affixed to them had signed previously the Treaty, but afterward repenting of this act, they signed the power of Attorney to show their opposition to the ratification of the Treaty—we believe there are not less than eight in this situation as will appear by reference to the document.— Moreover, several who signed the Treaty are only "Chiefs in part" and not authorized to act for the Nation tho' generally styled Chiefs.

Big Kettle's affidavit is not positive as to the number of Chiefs—He says "he believes there are now living but 57 Chiefs".

We have not the power of Attorney here to refer to, but suppose the Commissioner has mistaken the name of George Turkey, a Seneca Chief residing at Cattaraugus for James Turkey a Cayuga ~~Onondaga~~.

## Contracts

The Commissioner endeavours to lessen the ~~authority~~ validity of the contracts by saying they appear to "be copies of copies &c."— ~~Often~~ So far from this being the case, The Original Contract between Jno. Snow and H. B. Potter agent of the Preemption Company ~~[illegible]~~ buying the services of the said Snow in procuring the Treaty, is lodged with the Senate. The witness who signed it is Samuel Gordon one of the Leaders of the Treaty, and active Cooperator with the Commissioner ~~[illegible]~~ and the agents of the preemption Company, one of the delegation to Washington. The copy of the one with John Snow, taken from the original, is in the hand writing of Maris B. Peirce, one of the Chiefs who signed the Treaty

And is certified by him to be correct. — Of this document the Commissioner says "the only evidence of its authenticity is an Indian certificate." But if the signature of Maris B. Pierce to the Treaty is sufficiently valid to strengthen that document and alienate our lands & homes, & all that is dear to us, it must be no less valid in attestation of the authenticity of this Contract.

The Commissioner objects that "the Contract bears date several months before the council was held." This is true, and it serves to show the length of time during which the agents of the preemption Company have been laboring to corrupt our chiefs and buy them over to assent to this Treaty. —

### Remonstrance of the Judges &c of Chautauque Co. N. York.

It is not our business to vindicate the character of the gentlemen who sign this document from the insinuations of the Commissioner — they are capable of defending themselves. — Nearly all he says ~~[illegible]~~ on this subject is mere assertion without a shadow of proof. town ~~[illegible]~~ many of the signers reside within twenty miles from the Allegany reservation — Many of our people are in the habit of going there, and the signers of the Memorial are from various parts of Chautauque County & adjoining ~~[illegible]~~ district, parts of which [illegible] lie. [We cannot admit the assertions of the Commissioner that "a majority of the Chiefs did sign" his pretended treaty and that "no warriors at all signed." We know these statements to be incorrect, & the Commissioner has been misled — Several who

Signed the Treaty neither are, nor ever were, chiefs or chiefs in part – ~~[illegible]~~ but simply warriors." – The Commissioner states that the memorial "sets Joseph Snow's contract to be for $1800," and that "the copy of ~~the~~ an intended contract now adduced by Robinson and others states Eight hundred instead of eighteen hundred, an error indicative of the reliance that can be placed upon the statements in ~~of~~ this Memorial." – Now the fact is, the ~~copy~~ contract ~~[illegible]~~ adduced by us states $1000, instead of $1800, ~~as~~ as asserted by the Commissioner, and his error in this particular, by a similar course of reasoning, is "indicative of the reliance that can be placed upon his statements." –

If the Commissioner had quoted the words of the Memorial respecting the numbers opposed to the treaty, instead of giving an abstract, it would have been less likely to misapprehension – The Memorial says, "The Senecas have four reservations, viz at Tonawanda, Buffalo, Cattaraugus, and on the Allegheny River. At Cattaraugus about 30 chiefs and warriors voted in favor of the treaty & 450 are said to have opposed. Of those who live on the Allegheny ten were in favor and about 600 opposed – At Tonawanda two were in favor and about 600 opposed. At Buffalo a large majority are said to have opposed the Treaty." – [The numbers here are designed to refer not only to the chiefs & warriors, but to the whole population, and so taken we are satisfied they are nearly correct. –

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## Memorial of the Quaker Society —

On this we need not say much — the conduct of the Quakers toward us is well known — None of their people ever have now or had leases of farms ~~from~~ or reservations Indians to our knowledge. — ~~this conduct~~

The aid extended to us by this Society has been at all times without any reward or advantage to themselves other than the consciousness of doing kindness to Indians, and the insinuations of the Commissioner are without foundation. —

The charges of immorality made on our nation in this part of ~~the~~ Report, we indignantly repel. That there are some individuals among us who have been corrupted by the whites & some who yield to the temptations held out to them to buy liquor, we admit, but to charge the conduct of these on the whole nation, is pursuing a course which would blight the character of every community of white men — It is an act of gross injustice. —

The assertion that the best-informed Indians and those who have made the greatest advances in ~~civilization~~ improvement "are in favor of emigration," and that "those who find their principal enjoyment in loitering about grog shops and in use of strong drink are very generally opposed to leaving their old homes to go beyond the reach of ardent spirits — is about as destitute of probability as it is the reverse of the facts. — It is not usual for men who have got good farms & comfortable homes, & who raise a good subsistence for themselves & their families to want to surrender all these comforts & advantages to others & be driven to an uncultivated wilderness — It is contrary to our nature and experience. — The true state of the case is that such

Indians are anxious to stay where they are— while the other Class are ready for change. — The idea that strong drink was used to get rid of the unwilling ones and that thus the Indians were brought to the treaty, is ~~much~~ singular enough, if it is to be taken as indicating the reliance to be placed upon the statements in the reply, may go far to discredit it entirely. — The white man gives it to quite a [illegible] of pages in his travels with Indians the powerful an engine in his hands, to suffer them to be long without it ~~any where~~ in any place where he is permitted. —

Protest of the delegation —

The reply states that the first ~~three~~ two objections to the treaty contained in the protest, relate to the acts of others, the agents of the preemption Company concerning which I have no knowledge. — But as the corruptions made by these men were ~~open~~ openly and during the time of the Council it seems to us the commissioner not only ought to have had knowledge of them, but should have interposed to prevent them during a treaty in which the United States were concerned. —

The Commissioner says the third objection states "that only twenty five chiefs signed the treaty" — This is incorrect — the language of our protest is, "that the treaty was brought into Council & signed by only about twenty three chiefs" —

The commissioner also states that no such determination [not to sell] was expressed to him by a majority of the chiefs. Whether expressed to him or not, it was openly expressed in Council & repeated again and again. — Admitting that signing on either side was to be the evidence of opinion in favor of or against the treaty, the numbers are against the treaty. — He says "A reference to the remonstrance shews that there are 70 names to it, but five of them have been erased — this was done because they were afterwards induced to sign the Treaty — again he says — "In a list of Chiefs furnished by the opposition delegates, it is admitted that 27 legal chiefs signed the treaty" — A reference to our ~~de~~ list of chiefs will shew that we only say "are stated to have signed" or "are said" to have done so. We have never been permitted to see the Treaty, & therefore had to depend on the report of others as to who did sign it.

His calculation of the number of chiefs signing the Remonstrance & treaty, is readily explained by the fact that our ~~the~~ list shews 97 chiefs in full & chiefs in part in the nation. ~~[illegible]~~

The Commissioner says that our objection ~~is on~~ to the treaty in consequence of signatures being taken at the tavern and in secret yet he admits that he did take the treaty to his lodgings at a tavern about half a mile from the Council house — and that he informed the council that when it was very bad crossing the creek ~~&~~ in private it is around by way of a bridge, and when Chiefs from indisposition or other causes prefer it he would receive signatures publicly in the room, to which no one objected — We are not aware of any time during the holding of the Council at which it was impracticable to go around by the bridge from the council house to the tavern — a distance of less than two miles & the bridge on one of the main roads to Buffalo. Nor were any of the chiefs sick or lame that we perceived to prevent them from getting to the

Council house, especially as it was as near or nearer to the most majority of them than the tavern at which the Commissioner lodged —

Who the old ~~and~~ respectable & intelligent chiefs were with whom the Commissioner consulted ~~[illegible]~~ about taking the treaty to the tavern, we know not — but we do know that such a proceeding in conducting a council & making a treaty is entirely contrary to ~~the~~ the uniform custom which has heretofore obtained. We also know that strong objections were made to it by a large number of our Chiefs in open Council as contrary to usage & the fair & open procedure. —

~~[illegible]~~ It is not correct to say that Big Kettle in his affidavit expressly swears "that there are but fifty [illegible] one now living" — he only states it as his belief —

The Statement of Seneca, Jimmy & Long John in their affidavits ~~that~~ there were about 90 chiefs at the Council is ~~clearly~~ to be taken of as including those called chiefs & whether in full or in part — which is nearly the correct number. —

The Commissioner says he has no hesitation in ~~the~~ taking the Statement of the Indian Agent as to the number of chiefs, in preference to those furnished by the objectors to the Treaty — It is singular if the agent knows better ~~than~~ than the nation does who our chiefs are; nor can we see any reason why his statement should be admitted in preference to ours, except that the Commissioner deems it more favorable to his case, — and is anxious to throw the appearance of contradiction & uncertainty on our ~~statements~~ accounts. He ~~takes~~ makes many efforts to do this, not by proving our Statements inaccurate or untrue, but by insinuations & at unsupported assertions.

That persons signed the Treaty in Council who were not chiefs, & some who were never chiefs in part, we are well aware, and it is a proof of the irregularity which was allowed by the Commissioner & agent in the proceedings, ~~and~~ while our remonstrances against it were unheeded & disregarded.

We cannot admit that it was known to the council from day to day who had signed the treaty — We were kept in ignorance of it, as were also the opposing party generally ~~so far~~.

The Commissioner says he does not know that the numerical force of the Nation is opposed to the treaty. This is notorious to the white people who are familiar with our concerns. It is beyond contradiction, and can readily be proved if the government will take the requisite measures to ascertain it.

The attempt to discredit the Statistical document by the fact that the children of parents opposed to the treaty are counted with their parents is frivolous & uncandid. Where would he have them placed? With those who wished to go? This would be preposterous — In every enumeration of the kind where the whole population is concerned, the only fair or proper ~~mode~~ rule is to put the children with their parents.

The Commissioners reply to our 8th objection establishes it fully.

As the Commissioner seems to doubt whether our annuities are withheld from us — & to imply that our statements respecting them are destitute of truth, & that we sign anything that interested men choose to prepare for us, while at the same time he acknowledges his ignorance of the whole subject, we refer him ~~to the~~ for information to the following Communication from the Commissioner for Indian affairs viz;

Insert. —

Thus then it will be seen that our annuities have been withheld with the knowledge of the officers of the government — & that one of the reasons assigned for withholding them, is the pendency of those very negotiations out of which the pretended treaty grew — and that our agent gives it as his opinion that it is not desirable they should be paid to us, until the delegation in favor of the treaty return home — in other words until the treaty is ratified — The ignorance of the Commissioner on this head & the unjust imputations he has thrown upon our veracity for stating a fact so well known to us & from which our people have suffered so greatly, ~~and~~ when our statements are fully confirmed by the Report from the Indian department, tho' tend to discredit his whole statement of acting agencies and those who ~~are interested~~ venture to appear in our behalf —

For two years prior in the past, many of our people had suffered greatly by the loss of their crops — and the withholding of our

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annuities, in addition to these causes produ-
ced a degree of ~~suffering~~ distress which none could
duly appreciate as those who had to en-
dure it, and our statement is literally Cor-
rect, that it contributed to aid the designs of
the agents in seeking to extort a treaty
from us, that they might get possession of our
lands.

## Affidavits

In his remarks on these documents the Commissioner takes his usual course of endeavouring to discredit the testimony of the witnesses, by dwelling on their ever having been active agents in procuring the treaty, under the general term of Commissioners. He also gets over some of the most striking facts, by saying, if they occurred, he had no knowledge of them, and in no instance does he adduce any~~thing~~ evidence to countenance it other than his own suppositions or assertions.

~~He institutes a long argument for a white man as he calls him in the deposition of William Elliott, and 2 with me~~

~~Ham~~ He says that the declaration of one or more chiefs who signed the treaty, that they did not sign in Council, is entirely a mistake, the ~~ch~~ same quite as reasonable to suppose they would know when they did it, as one so much less interested in the event.

In relation to John Tallchief's ~~remarks~~ statement that when the armed force surrounded the council house, the Commissioner told them that they might now see what laws the white people have to force Indians — he says, " It was remarked to me by several Indians who spoke English that they were getting a specimen of white men's laws & that they had got enough of them. I recollect on leaving the Council to have repeated ~~the~~ in substance their remarks; but I do not think it probable that I addressed any such remarks to this man as my intercourse with him was always I believe through the medium of an interpreter.

In this instance, it is attempted to set aside the sworn evidence of a witness ~~or~~ ~~contemn~~ by ~~relating~~ saying what the Commissioner does not think it probable.

That Indians may be misled ~~in~~ when giving testimony, by the ignorance or design, of interpreters, and that it is sometimes difficult to convey to them in their language what is said in English we admit. But while this furnishes a good reason for some apparent inconsistencies in their testimony, it does not invalidate the truth of their general statements especially when confirmed by other evidence, as is the case in these affidavits.

The most important facts stated, regarding the unfair means used to procure signatures to the treaty, are introduced by the observation of the Commissioner. His having no knowledge of them, as he alleges, only proves how little he was acquainted with what was daily going forward during the holding of the Council.

~~This~~ If the affidavits were the result of collusion and a design to deceive, pains would have been taken to ~~[illegible]~~ make them exactly tally, and to drill the witnesses beforehand; and the seeming differences which the Commissioner endeavours to hold up ~~&~~ magnify are rather a proof that the parties acted independently of each ~~other~~.

The testimony of the witnesses respecting the bribery practiced upon them is confirmed, moreover, by the tenor of the contracts" submitted to the Senate. — One of the paragraphs in these extraordinary documents is as follows, after stating that the proprietors of the preemption title to our lands" are desirous to induce our tribe to accept the territory west of the Mississippi for our future permanent ~~home~~ residence & to extinguish our title to our present reservations, they proceed, "And whereas in furtherance ~~of~~ these objects, and in order to ~~[illegible]~~ a future treaty, by which to effect the same, the said proprietors have authorized negotiations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money as a permanent fund for the nation and a compensation for their improvements, and have also deemed it advisable and necessary, to employ the aid, cooperation, and services of certain individuals who are able to influence the said Indians to accept the offers so to be made to them" — Now let it be observed that the preemption ~~Company~~ declare that they "deem this system of bribery & corruption both advisable and necessary" — They have long been endeavouring to bring about the sale of our lands, & knew well the aversion ~~minds~~ of our people to the measure, & when they say that the ~~same~~ means they have taken are both "advisable & necessary," it is equivalent to declaring that the sale could not be ~~obtained~~ in any other way. — If our people were ready & willing for such a measure, would the preemption Company have deemed it either "advisable or necessary" to contract with our "Chiefs and leading men" to pay them large sums of money & give them the fee or life lease of their farms, for their influence to induce our people to accept, what they were already prepared for? Certainly not — and these very contracts show conclusively that the preemption company & those acting with them knew they could never get our lands but by corrupting our Chiefs —

~~These~~ Contracts of ~~other~~ similar character we have cause to know have been made with some of the Chiefs who have signed the treaty, and we may know if they are ~~anxious~~ ready for its ratification when the payment of their bribes is by these very contracts, made dependent upon ~~the~~ ~~its~~ that event. —

Let it be observed also what these contracts bind the "Chiefs & leading men" to do with reference to this treaty. — They "undertake and agree to use their best exertions and endeavors to dispose & induce the said Indians to adopt & pursue the advice & recommendation of the Government of the United States in respect to their removal and future locations, and on such terms as the party of the first part, [~~being the agent~~ ~~of the preemption company~~] and his associates in the name of the said proprietors [of the preemption title] shall propose, and on all occasions to cooperate ~~with~~ and aid ~~the~~ said party of the first part and his associates, as he may be from time to time advised, "in talks and negotiations with the Chiefs and "influential men of the said ~~nation~~ tribe, and ~~in~~ in the active application of their whole in-fluence at councils and confidential intertries for the purpose of effecting a Treaty between the said tribe & the said proprietors for the extinguishment of the Indians' title to the said Reserved lands" —

Now it will be observed that "the best exertions" and "active application of the whole influence" of our chief is bought, not to "consult the views dispositions feelings wishes and interests of our Nation", but "to pursue the advice and recommendation of the government of the United States in respect to removal," &c

* again, In consideration of such effort, cooperation and Services on the part of the said J. S. faithfully bestowed in the premises the said H. B. P. on his part And that of his associates agrees to pay or Cause to be paid to the said J. S. the sum of one thousand dollars within three months after the ratification by the Senate of the United States of a valid treaty &c" —

and Stipulations to be performed and effected by the said party of the first part & his associates" — * treaties based

Thus while bribing our Chief to assent to whatever terms the preemption holders might propose, however unfair, in the true spirit of Cupidity and Corruption, they proceed to cut off the Chief from the hope of profiting by their own degradation and dishonesty, unless the treaty shall be ratified — Will an august body like the Senate of the United States, with all its ~~dignity~~ ~~high~~ responsibilities Sanction a treaty thus originating in corruption ~~bribery and the Crime~~ when the rewards of iniquity & bribery are dependent on its passage & ratification? We trust not. We entreat them our "Chiefs and leading men" to pay them large sums of money & give them the fee or life lease of their farms, for their influence to induce our people to accept, what they were already prepared for? Certainly not — and these very contracts show conclusively that the preemption Company & those acting with them knew they could never get our lands but by corrupting our Chiefs —

[illegible] similar Character [illegible]

endeavors to [illegible] Indians to adopt & pursue the advice & recommendation of the Government of the United States in respect to their removal and future locations, and on such terms as the party of the first part, ~~[as the agent of the preemption Company]~~ and his associates in the name of the said proprietors [of the preemption title] shall propose, and on all occasions to cooperate ~~with~~ and aid ~~the~~ said party of the first part and his associates, as he may be from time to time advised, in talks and negotiations with the Chiefs and influential men of the said ~~nation~~ tribe, and ~~in~~ in the active application of their whole influence at councils and confidential inter-tion for the purpose of effecting a Treaty between the said tribe & the said proprietors for the extinguishment of the Indians title to the said reserved lands" —

Here let it be observed that "the best exertions" and "active application of the whole influence" of our Chief is bought, not to "consult the views and interests of our nation, but" disposed to [illegible] "to pursue the advice and recommendation of the government of the United States in respect to removal," on such terms as the preemption holders "shall propose" — thus throwing the whole influence of the Chiefs on the side of the said holders, & connecting them directly with the government of the United States in procuring this Treaty — "And in order to seal this connexion and to hold these bought Chiefs to their interests the following clause is added, "This agreement on the part of the said party of the first part the preemption right being expressly dependent upon a treaty to be made and ratified upon terms, conditions, and stipulations to be imposed and offered by the said party of the first part & his associates" — * treating based

Thus while bribing our Chiefs to assent to whatever terms the preemption holders might propose, however unfair, in the true spirit of cupidity and corruption, they proceed to cut off the Chiefs from the hope of profiting by their own degradation and dishonesty, unless the treaty shall be ratified — Will an august body like the Senate of the United States with all its ~~dignity~~ high responsibilities sanction a treaty thus originating in ~~bribe~~ corruption ~~and the crime~~ where the rewards of iniquity & bribery are dependent on its assent & ratification? — We trust not — We intreat them not to lend their Countenance to Conduct so base & fraudulent & so ruinous in its Consequences to us and our people.—

It should be particularly observed that of the pretended Sale of our lands thus ~~so~~ dishonestly ~~been~~ obtained ~~by corruption~~, the Commissioner says, "It is true that both [the Sale & the U. States treaty] were the subjects of discussion in the Indian Council, and both were agreed to & simultaneously signed in my presence.— As a United States ~~officer~~ Commissioner I approved of the Treaty of purchase &c"—

This appears to us to connect the Government of the United States directly thro' its accredited ~~officer~~ Commissioner with a foul bargain thus illegally and unfairly obtained & should the Senate, with this knowledge, confirm the Treaty that connexion will be riveted.

The Commissioner and our Agent Judge Stryker and the agents of the preemption Company, put up at the same house—were much together, attended the Councils together, and he says he approved ~~this~~ bargain— Yet the Commissioner seems to imply that the Treaty with the United States and the Sale of the lands were distinct acts & contracts— We know this was not the case, they were both urged upon our people together & one made dependent on the other— And when it is recollected in connexion with this point that our annuities were withheld by our agent, with the knowledge of the Indian department, ~~[illegible]~~ and that one of the reasons for withholding is declared by that department to be "the pendency of the negotiation out of which this unjust treaty & sale grew," and that ~~the~~ our Agent addition dem it not advisable that payment should be made to us until the return of the treaty delegation, by which we understand, until the treaty is ratified, and that these facts are asserted by the chief of the Indian department, it seems to us plain that the ~~agents~~ officers of the government and the agents of the Emigration Company have been acting in unison in this business. —

It is well known that Indians have not the command of much money & that the nation ~~are~~ is dependent on the receipt of its annuity for defraying ~~its~~ the expenses of its delegations to Washington — Our agent knew this well — and that unless we got the annuity or begged or borrowed the money from some other quarter we could not send a deputation to Washington to protest against this treaty & state our wrongs — Yet he withheld our money, while great exertions were used by some persons to prevent our neighbours from loaning us a sum sufficient to carry us to the seat of government — And while, as we are informed, the delegation in favor of the treaty have all their expenses freely paid from the public funds, we were kept without the means of coming on to make known our grievances, save as they were furnished us by the benevolence of disinterested persons. —

These facts are ~~incontestible~~ irrefutable; and if all the cavils of the Commissioner against our documents were true and admitted in their fullest extent, they remain untouched & in all their vigor, & furnish ample & solid basis on which to reject the ratification of the pretended treaty. — We solemnly believe the whole business throughout to be one of unfairness and bribery, and implore the Senate not to abanas to its destructive & desolating consequences.

With regard to the imputations against the interpreters who acted for the witnesses as they are unsupported insinuations & without proof, it is sufficient for us, so far as John Kinney is concerned to meet them with a plain denial.

[illegible]

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The testimony of the witnesses respecting the bribery practiced upon them is confirmed moreover, by the tenor of the contracts submitted to the Senate. One of the paragraphs in these extraordinary documents is as follows.

After stating that the proprietors of the preemption title to our lands "are desirous to induce our tribe to accept the territory west of the Mississippi for our future and permanent residence and to extinguish our title to our present reservations," they proceed, "And whereas in furtherance of these objects and in order to a future treaty by which to effect the same, the said proprietors have authorized negotiations to be opened with the Chiefs and other leading men of the said tribe of Indians and certain offers to be made to them in money as a permanent fund for the nation and as compensation for their improvements, and have also deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals who are able to influence the said Indians to accept the offers so to be made to them."

Here let it be observed that the preemptive Company declare that they deem this system of bribery and corruption both "advisable and necessary." They have long been endeavouring to bring about the sale of our lands, and know well the aversion of our people to the measure, and when they say that the means they have taken are both advisable and necessary, it is equivalent to declaring that the sale could not be obtained in any other way.

If our people were ready and willing for such a measure, would the preemptive company have deemed it either "advisable or necessary" to contract with our "chiefs and leading men" to pay them large sums of money & give them the fee or life lease of their farms, for their influence to induce our people to accept, what they were already prepared for? Certainly not – and these very contracts show conclusively that the preemption Company and those acting with them knew they could never get our lands but by corrupting our chiefs – Contracts of similar character we have cause to know have been made with some of the Chiefs who have signed the treaty, and we marvel if they are ready for its ratification when the payment of their bribes is by these very contracts made dependent on that event.

Let it be observed also what these contracts bind the chiefs and leading men to do with reference to this treaty. They "undertake and agree to use their best exertions and endeavours to dispose and induce the said Indians to adopt & pursue the advice and recommendation of the Government of the United States in respect to their removal and future location, and on such terms as the party of the first part and his associates in the name of the said proprietors (of the preemption title) shall propose, and on all occasions to cooperate with and aid the said party of the first part and his associates, as he may be from time to time advised, in talks and negotiations with the chiefs and influential men of our said tribe, and in the active application of his whole influence at councils and confidential interviews for the purpose of effecting a treaty between the said tribe and the said proprietors for the extinguishment of the Indians title to the said reserved lands."

Here let it be observed that "the best exertions" and "active application of the whole influence" of our chiefs is brought; not to consult the views and interests of our nation, but to "dispose and induce" our people to pursue the advice and recommendation of the government of the United States in respect to removal, "on such terms" as the preemption holders "shall propose" — thus throwing the "whole influence" of the chiefs on the side of the said holders, and connecting them directly with "the government of the United States in procuring this Treaty." — And in order to seal this connection and to hold these bought chiefs to their interests the following clause is added. "This agreement on the part of the said party of the first part (the preemption holders) being expressly dependent upon a treaty to be made and ratified upon any conditions and stipulations to be proposed & offered by the said party of the first part and his associates" — Again "in consideration of such efforts cooperation and services on the part of the said J. S. faithfully bestowed in the premises the said H. B. P. on his part and that of his associates agrees to pay or cause to be paid to the said J. S. the sum of One thousand dollars within three months after the ratification by the Senate of the United States of a certain treaty &c." — Thus while bribing our chiefs to assent to a treaty based upon whatever terms the preemption holders might propose, however unfair, in the true spirit of cupidity and corruption they proceed to cut off the chiefs from the hope of profiting by their own degradation and dishonesty unless the treaty shall be ratified — by the Senate

Will an august body like the Senate of the United States, with all its ~~dignity~~ and high responsibility sanction a treaty thus originating in corruption where the rewards of iniquity and bribery are dependent on its assent and ratification? We trust not — We entreat them not to lend their countenance to conduct so base and fraudulent and so ruinous & in its consequences to us and our people —

It should be particularly observed that of the pretended sale of our lands thus dishonestly obtained the Commissioner says, "It is true that both (the sale and the United States treaty) were the subject of discussion in the Indian Council, and both were agreed to and simultaneously signed in my presence. As a United States Commissioner I approved of the treaty of purchase &c." This appears to us to connect the Government of the United States directly through its accredited Commissioner with a bargain thus illegally and unfairly obtained & should the Senate with their full knowledge, confirm the Treaty that connection will be perfected. The Commissioner and our Agent Judge Stryker and their Agents of the Pre-emption Company, put up at the same house — were much together, attended the Council together & were identified in their business he says he approved their bargain — Yet the Commissioner seems to imply that the treaty with the United States and the sale of their lands are distinct acts and Contracts. We know this was not the case, they were both urged on our people together & one made dependent on the other. And when it is recollected in connection with this point that our annuities were withheld by our agent, with the knowledge of the Indian department, and that one of the reasons for withholding is declared by the officer of that department to be "the pending of the negotiation" out of which this unjust treaty and sale grew, and that our agent deems it not adviseable that payment should be made to us until the return of the treaty delegation, by which we understand until the treaty is ratified, and that these facts are admitted by the chief of the Indian department, it seems to us plain that Some of the officers of the government and the agents of the preemption Company have been acting in unison in this business. It is well known that Indians have not the command of much money & that the nation is dependent on the receipt of its annuity for defraying the expenses of its delegations to Washington. Our agent knew this well — and that unless we got the annuity or begged or borrowed the money from some other quarter we could not send a deputation to Washington to protest against this treaty and state our [illegible] Yet he withheld our money while great exertions were used by some persons to prevent our neighbours from loaning us a sum sufficient to carry us to the seat of Government — and while, as we are informed, the delegation in favour of the treaty have all their expenses freely paid from the public funds, we were kept without the means of coming on to make known our grievances, save as they were furnished us by the benevolence of disinterested persons.

These facts are irrefutable; and if all the cavils of the Commissioner against our documents were true and admitted in their fullest extent, these remain untouched, & in all their vigor and furnish ample and solid basis on which to reject the ratification of the pretended treaty.

We solemnly believe the whole business throughout to be one of unfairness and bribery, and implore the Senate not to abandon us to its destructive and desolating consequences.

With regard to the imputations against the interpreters who acted for the witnesses whose affidavits are before you [illegible], as they are unsupported insinuations and without proof, it is sufficient for us, so far as John Kennedy is concerned to meet them with a plain denial: and we believe they are equally groundless as regards the others. We are at a loss to perceive what additional force can be given to the treaty by the statement that the names of the signers were all written by ~~the government~~ our Agent and not by the Commissioner. The facts already stated with regard to his withholding our annuities, and at the same time taking so active a part in procuring this nefarious treaty, would seem to us to lessen rather than increase the authority of the statement and of the names written by him.

With reference to the letter to Mr. Prentiss signed by Big Kettle and others, the Commissioner says "The paper now before me does not purport to be a copy and I presume is not so. Still except one or two interlineations and the address to Mr Prentiss it is all the same hand writing and the same ink. No one appears to have signed it otherwise than by making his mark and it is not witnessed by any one — there is no evidence whatever of its authenticity." This paragraph shows upon what slight grounds the Commissioner strives to destroy the force of our documents— The facts of the case are that the paper of which he speaks is a copy made from the original by one of our number, and the want of familiarity with such matters occasioned the undesigned omission of the notice that it was a copy. This simple fact nullifies all that the Commissioner has built on this slender foundation.

In reviewing the whole reply of the Commissioner we observe that his principal objects appear to be, to discredit the documents produced by us, in support of our statements, far ~~often~~ as we think, by unfair and disingenuous constructions, and without making reasonable allowance for the disadvantages under which we labour, from the want of learning and experience in conducting such business. He seems to set very light value on Indian testimony when it is in opposition to his views, forgetting perhaps that the treaty which he seems so anxious to support, owes all its validity to the signatures of Indians which he says with reference to our papers, are so easily obtained. We believe there are among Indians not a few men whose sense of truth and [illegible] is ~~at least~~ as correct as that of most persons and who would not be bought by white men to certify to falsehoods.

The Commissioner is wholly in error when he insinuates that but for interested white men, the Indians would make no opposition to the treaty. The number of our white neighbours whose interest would be promoted by our removal is much greater than of those who derive advantage from our stay. And the former have been unwearied in exertions for years past, to persuade and induce us to sell and go, but the nation has uniformly stood opposed to every such venture, with the exception of a very few of our people. If the assertion of the Commissioner were correct, why should the holders of the preemption right declare it "advisable & necessary" to bribe our "Chiefs and leading men" "to influence and induce" our people to assent to the Treaty? The preemption holders well know and our white neighbours who are acquainted with our affairs also know, that the great mass of the Nation are entirely opposed to the treaty and to removal.

But we are perfectly willing as is declared in our remonstrance to the President, and in the Powers of Attorney from the Nation to us, to agree to a treaty based on the principle of an equitable division of our lands among those who wish to go and those who have resolved to stay, so that each one may be at perfect liberty to dispose of his share and go, or keep it and stay. We wish to interpose no obstacles in the way of those who desire to sell, and by such a course those Indians who have already made good improvements & who wish to retain them and improve still further will have the means and opportunity of doing so. We think this proposal is so reasonable and fair that it ought to be satisfactory to all parties. The evidence we have furnished in the documents presented to the President and Senate we conceive are fraught with conclusive and powerful reasons why the treaty should not be ratified, and we are not aware of any proof adduced by the Commissioner to controvert them. ~~But~~ after making allowance for all his objections ~~to their fullest extent~~ enough remaining untouched, to support our objections; And should the Government feel a doubt of the correctness of the manner in which the treaty has been made, we ~~trust they~~ earnestly pray it to ~~will~~ pause and enquire more fully into the subject, and into the disposition of our People respecting it, and not inflict on us the evils which we are well assured must follow the execution of this Treaty. —

The Commissioner says that the objection was not made in Council to any of the signers of the Treaty that they were not chiefs. We think he has forgotten the circumstances. We distinctly remember that such objections were made in Council and would remind him of one instance when George Fox signed the treaty Henry Two Guns in public Council enquired of the Commissioner "Is that man a chief? I never knew him to be a Chief in my life" —

The commissioner says "the most valuable parts of the reservations are now occupied by the Chiefs and old men &c. The young men have no such advantages. Many of them informed me that the best lands were beyond their reach and that they had not the means of clearing and fitting others for use. They said let us go west where we can all have a fair chance & land enough that is good &c."

We know not who the young men were that told the Commissioner these things, but they certainly misled him — If good land on our reservations was "beyond their reach" it was for want of industry in them to occupy and farm it. We know of no restrictions to prevent our young men from occupying any part of our reservations not already occupied by others. They have free liberty to make their own selection on any vacant tract, and the white people will not pretend that our land is not good, else why are they so anxious to get it.

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The Commissioner is wholly in error when he insinuates that but for interested white men, the Indians would make no opposition to the treaty. The number of our white neighbours whose interests would be promoted by our removal is much greater than of those who derive advantage from our stay. And the former have been unwearied in exertions for years past, to persuade & induce us to sell and go, but the Nation has uniformly stood opposed to every such overture with the exception of a very few of our people. — If the assertions of the Commissioner were correct, why should the holders of the preemption right declare it "advisable & necessary" to "bribe our "chiefs & leading men" to

We are at a loss to perceive what additional force can be given to the treaty by the statement

As to the assertion that the names of the Signers ~~to the Treaty~~ were all written by the government agent and not by the Commissioner. ~~we are at a loss to perceive what force~~: The facts already stated with regard to his withholding our annuities, and at the same time taking so active a part in procuring this nefarious treaty, would seem to us to lessen rather than increase the authority of the instrument & the names written by him;

With reference to ~~Big Kettle~~ the letter to Mr Kentiss signed by Big Kettle & others, the Commissioner says, "The paper now before me does not ~~profess~~ purport to be a copy & I presume is not so. Still except one or two interlineations and the address to Mr Kenty it is all the same hand writing and the same ink. No one appears to have signed it otherwise than by making his mark & it is not witnessed by any one — there is no evidence whatever of its authenticity." —

This paragraph shows upon what slight grounds the Commissioner strives to ~~destroy~~ destroy the force of our documents. The facts of the case are that the paper ~~to~~ of which he speaks ~~was~~ is a copy made from the original by one of our number, and the ~~ex~~ want of familiarity with such matters occasioned the undesigned omission of the notice that it was a copy. This simple fact nullifies all that the Commissioner has built on this slender foundation.

"influence and induce" our people to ~~go~~ assent to the Treaty?— The preemption holders well know and ~~other~~ white ~~people~~ neighbours who ~~know~~ are acquainted with our affairs also know, that the great mass of the nation are entirely ~~hostile~~ opposed to the treaty & to removal—

But we are perfectly willing as ~~we~~ is declared in our remonstrance to the President and in the power of attorney from the Nation to us—to agree to a treaty based on the principle of an equitable division of our lands, among those who wish to go and those who are resolved to stay so that each one may ~~be~~ at perfect liberty to dispose of his share & go—or keep it and stay— ~~[illegible] [illegible] of the [illegible] those who~~ We wish to interpose no obstacles in the way of those who desire to sell, and by such a course those Indians who have already made good improvements & who wish to retain them and improve still further will have the means & opportunity of doing so.— We think this proposal is so reasonable and fair that it ought to be satisfactory to all parties—

The evidence we have furnished, in the documents presented to the ~~Senate~~ President and Senate, we conceive are fraught with conclusive ~~[illegible]~~ & powerful reasons why the treaty should not be ratified, and we are not aware of any proof adduced by the Commissioner to controvert them. But after making ~~[illegible]~~ allowance for all his objections to their fullest extent, enough remains ~~to~~ untouched, to support our objections, & should the government feel a doubt ~~the~~ of the correctness of the manner in which the Treaty has been made, we trust they will pause and enquire more fully into the subject and into the disposition of our people respecting it, and not inflict on us the evils which we are well assured must follow the execution of this Treaty.

The Commissioner says that the objection was not made, in council, to any of the signers of the Treaty that they were not Chiefs - We think he has forgotten the circumstances - We distinctly remember that such objections were made in council and would remind him of one instance of ~~that~~ when George Fox signed the Treaty. Henry Two Guns in public Council enquired of the Commissioner ~~if Fox was a Chief~~ "Is that man a Chief? I never knew him to be a Chief in my life." &c.

The Commissioner says "The ~~different~~ most valuable parts of the reservations are now occupied by the Chiefs and old men &c:- The young men have no such advantages. Many of them informed us that the best lands were beyond their reach & that they had not the means of clearing & fitting others for use. They said let us go West where we can all have a fair chance & land enough that is good" -

We know not who the young men ~~could be~~ may be that told the Commissioner these things, but they certainly misled him - If the good land on our Reservations was "beyond their reach" it was for want of industry in them to occupy & farm it - We know of no restrictions ~~which~~ to prevent our young men from occupying any part of our reservations not already occupied by others - they have free liberty to make their own selection on any vacant tract, & the white people will not pretend that our Land is not good, else why are they so anxious to get it,

# SCHOOL LANDS—INDIAN RESERVATIONS—OHIO.

[To accompany bill H. R. No. 754.]

April 20, 1838.

Mr. Lincoln, from the Committee on the Public Lands, submitted the following

## REPORT:

*The Committee on the Public Lands, instructed by a resolution of the House of Representatives of the 2d of January last, "to inquire into the expediency of reporting a bill providing for the selection of other school lands for the townships lying within the Indian reservations in the State of Ohio, (hereinafter mentioned,) latterly purchased of the Indians by the United States; the sections* 16 *in those reservations having been decided not to be appropriated for the support of schools. The reservations to be included in the provisions of the bill are as follows, viz: the Ottawa reservation, on Blanchard's creek; Ocquanoxa's village; the Lewistown reservation; the Wapaukonetta reservation; the Hog-creek reservation; the Big-spring reservation, (Wyandots;) the Seneca reservation, on Sandusky river; the Ottawa reservation, on the Maumee river, near lake Erie;" having had the instructions under consideration, report a bill on the subject:*

The occasion for legislating in the matter of said resolution will be best nderstood from various communications from the Commissioner of the General Land Office, and the opinion of the Attorney General of the United States, which have been submitted to the committee, and are herewith presented. The committee ask that they may be received as parts f this report, and recommend that they be printed for the information of e House.

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General Land Office, *December* 19, 1837.

Sir: I have the honor to acknowledge the receipt of your letter of the 5th instant, respecting the 16th sections in certain Indian reserves in the ate of Ohio.

The land officers at Bucyrus and Lima, within whose districts these rves are situated, were advised, on the 27th of April last, that, in acdance with a recent decision of the Attorney General of the United ates, the sixteenth sections therein are *not* to be considered as appropri-d for the support of schools, but will have to be sold for the benefit of Indians; and that the inhabitants of the townships will have to make plication to Congress for other school lands in lieu thereof. These secns, never having been offered at public sale, are not now subject to prite entry.

mas Allen, print.

The reserves referred to in these instructions are as follows, to wit:

The Ottawa reserve, on Blanchard's creek, and Ocquanoxa's village, the Lewistown reservation; Wapaukonetta and Hog-creek reservations; Big-spring reserve, (Wyandots:) the Seneca reserve, on Sandusky river; and the Ottawa reserve onthe Maumee river, near lake Erie.

The sixteenth sections, within the limits of that portion of the great Wyandot reservation ceded by the treaty of the 23d of April, 1836, were embraced in the President's proclamation of the 12th of December of that year, for the sale of those lands at Marion, and are the only sections of that number in any of the lands ceded for the benefit of Indians in Ohio, which have been proclaimed for sale.

I have the honor to be, sir, your obedient servant,

JAS. WHITCOMB, *Commissioner.*

The Hon. P. G. Goode,
*House of Representatives.*

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General Land Office, *March* 1, 1838.

Sir: In reply to your letter of the 24th ultimo, I have the honor to enclose a copy of the opinion of the Attorney General of the United States, deciding that the sixteenth sections within the limits of the reserves in the State of Ohio, stipulated by treaty to be sold for the benefit of the Indians, are not to be considered as appropriated for school purposes, with a copy of the instructions to the land officers, notifying them of said decision; and to state that none of those sections have been proclaimed for sale or brought into market, with the exception of two fractional sections, within the limits of that part of the Wyandot reserve ceded by the treaty of the 23d of October, 1836.

I have the honor to be, with great respect, your obedient servant,

JAS. WHITCOMB, *Commissioner.*

The Hon. P. G. Goode,
*House of Representatives.*

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General Land Office, *April* 27, 1837.

Gentlemen: I have to state for your information, that the Attorney General of the United States has decided that where former Indian reservations in your district have been ceded to the United States with a view to their being sold for the benefit of the Indians, sections numbered 16, in such cessions, are not to be considered as appropriated for schools, but will have to be sold as the other ceded lands; and the inhabitants of the townships will have to make application to Congress for the appropriation of other lands for school purposes in lieu thereof.

The sections which have been withheld from sale, under the supposition that they were appropriated for schools, will, therefore, be proclaimed for sale whenever the President shall direct.

I am, &c.

JAS. WHITCOMB, *Commissioner.*

The Register and Receiver, *Lima, Ohio;* and
The Register and Receiver, *Bucyrus, Ohio.*

ATTORNEY GENERAL'S OFFICE, *April* 1[illegible], 1837.

SIR: In your letter of the 5th instant, you ask my opinion on the following question proposed by the Commissioner of Indian Affairs:

"Does the first proposition, in the 7th section of the act of April 30, 1802, 'to enable the people of the eastern division of the Northwestern Territory to form a constitution and State Government,' vest in a township a title to the sixteenth section for school purposes, superior to that of a reservee under a treaty by which the Indian title to the land was extinguished?"

I have the honor to inform you, in reply, that, according to the opinion given by me on the 31st of March, 1836, in the case of the Choctaw treaty, (to which I beg leave to refer,) the above question must be answered in the *negative*.

I am, sir, very respectfully, your obedient servant,

B. F. BUTLER.

Hon. J. R. POINSETT, *Secretary of War.*

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ATTORNEY GENERAL'S OFFICE, *March* 31, 1836.

SIR: In your letter of the 15th instant you ask my opinion on the question "whether, under the provisions of the acts of Congress providing for the admission of Alabama and Mississippi into the Union, respecting the grant of the sixteenth section in each township for the use of schools, reservations for claimants under either of the articles of the Choctaw treaty of 1830 can be located on that section?"

The sixth section of the act to enable the people of the Alabama Territory to form a State constitution, &c., approved March 2, 1819, offered, among other things, to the convention about to be held, the following proposition, viz: "that the section numbered sixteen in every township, and, where such section has been sold, granted, or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of such townships for the use of schools."

This proposition having been accepted by the convention, became, and is, obligatory on the United States; that is to say, the faith of the nation is pledged to execute it literally, provided the Government of the United States possess or can acquire the ability to do so.

But the words do not amount to a present grant; on the contrary, the engagement is executory, and no particular time is specified for its fulfilment. Reason and good faith, however, require that it be executed from time to time, as fast as the United States shall be able to designate the sections, and to convey a good title therein; but if, for any cause, the United States should be incapable of a literal execution, or should refuse to execute, the inhabitants of Alabama would have no other means of obtaining compensation or redress, than such as might be found in an appeal to Congress.

In regard to that part of the territory of Alabama which in 1819 was occupied by the Choctaws, it is also to be observed, that the United States were incapable of making any grant thereof, except subject to the Indian right of occupancy. As to the Choctaw country, the proposition above quoted must, therefore, be regarded as subject to the implied condition that the United States should be able so to extinguish the Indian title as to enable them to execute the engagement according to its terms.

The provisions of the Choctaw treaty, which secure to persons of tribe certain reservations of land, were indispensable parts of the means to which the United States were obliged to resort to extinguish the Indian title: and as no exception was contained in that treaty, of the sixteenth section, nor any allusion made to the compact with Alabama, it would be unjust towards the Indians, and an infraction of the treaty, to prevent them from locating on those lands. As between the Indians and the United States, the treaty itself is the only measure of their respective rights; and no restriction not found in that instrument can be imposed on the right of locating the reservations secured by it.

Even, therefore, had the engagement of the United States been positive to grant to the State of Alabama the sixteenth section, I should hold, in the case which has actually occurred, that the claimants under the treaty could not be affected by it.

But the agreement is not exclusively confined to that section. It contemplates the contingency of that section's being otherwise disposed of, and makes provision for such an event. So far as that part of the territory which was occupied in 1819 by the Choctaw Indians is concerned, I think the words "and where such section has been *sold, granted, or disposed of*," must be considered as applicable to the state of things which should exist when the Indian title should come to be extinguished; and then the sixteenth section, if claimed by an Indian reservee under the Choctaw treaty, will have been "*disposed of*," within the meaning of the original proposition; and, in that case, it is expressly provided that *other* equivalent and contiguous lands are to be granted.

I do not find any special provision relative to the sixteenth section in the acts concerning the State of Mississippi.

I have the honor to be, very respectfully, your obedient servant,

B. F. BUTLER

The Hon. Lewis Cass,
*Secretary of War.*

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*Indian reserves in the State of Ohio; the sixteenth sections within the limits of which the Attorney General has decided are not to be considered as school lands, and must be sold for the benefit of the Indians*

Ottawa reserves, ceded by the treaty of 30th August, 1831: on the Maumee river and Ocquanoxa's village.

Senecas and Shawnees, ceded by the treaty of 20th July, 1831: Lewistown reserve.

Shawnees, ceded by treaty of 8th August, 1831: Wapaukonetta and Hog creek.

Wyandots, ceded by treaty of 19th January, 1832: Big-spring reservation.

Senecas, ceded by treaty of 28th February, 1831: on the Sandusky river

Wyandots, a part of their large reserve, ceded by treaty concluded on the 23d April, 1836.

---

Mr. Briggs, from th

*The Committee on*
*th*

That the petitione
sub-contractor under
No. 1066, between
Pittsburg in Penns
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contractors, and no

Thomas Allen, print.

Mr J. F. Schermerhorn

To H. B. Potter Dr

| | | |
|---|---|---|
| 1837 | July & Augt. | |
| | To Cash paid to the Delegates for you | |
| | to White Seneca — | 50.00 |
| | James Young — | 50.00 |
| | Wm Patterson — | 75.00 |
| | Silver Smith — | 25.00 |
| | Little Johnson — $250 | 50.00 |
| | ~~Do — — out fit —~~ | ~~52.00~~ |
| Nov. 11. | ~~James Cusick — cut —~~ | ~~12.00~~ |
| | | $314.00 |
| | Deduct Johnson's out=fit — | 52.00 |
| | | $262.00 |

If the above accounts are allowed & paid by the Government to me I hereby agree to pay H. B. Potter two hundred & fifty dollars — June 13th 1838 J F Schermerhorn

Augt 1. 1837

Monies paid the Western Delegates on their departure –

| | |
|---|---|
| White Seneca | 100.00 |
| James Young | 100.00 |
| Wm Patterson | 150.00 |
| Silver Smith | 50.00 |
| | $400.00 |

Paid by J. F. S. — 200.
" H. B. P. — 200.

which are receipted to J. F. S.
and left with H. B. P.

| | |
|---|---|
| Little Johnson — by H. B. P. | 50.00 |
| For clothing by do | 52.06 |
| | $102.06 |

J. F. S. is to pay the outfit ~~52~~ 52.06
& half the — 25.
$77.06

J. F. S. agreed with O. Allen and me that he would pay the whole amt. if the appropriation by congress shall be sufficient to cover it –

Mr D. paid Isaac Jemison $50.
which belong Do. to Johnson $50. making $250. each

J. F. Schermerhorn
Acct.

11 20
49 20
21 20
30
12
116.7

Letter No 2

23
D.C.

Free,
S. Prentiss.
FREE

Mr. Maris B. Pierce,
Hanover,
New Hampshire.

Washington, June 22nd. 1838.

Mr. Maris B. Pierce.

Dear Sir,

It is quite impossible for me to say when the treaty will be submitted to the Indians for their assent. The time is a matter in the discretion of the President, and will be fixed by him. I suppose that the commissioner or commissioners will be directed to deliver a copy of the treaty as amended to the Chiefs of the Seneca nation, and they will call a council at such time and place as they think proper. I presume this will be the course of proceeding, but I am not sufficiently informed to speak with any certainty on the subject. It may be well for you to get some of your nation to communicate to you the earliest information they may have relating to the matter. I hope that no improper means or influence will be used, but it will be well to guard in season against every thing of the kind. It may be useful for you to consult some intelligent friend where you are, and take his advice as to the course it will be advisable for you to pursue. If the nation assents to the treaty, their title to the lands in New-York is extinguished of course. If they refuse their assent, their title remains unaffected.

I am very respectfully,
Your obedient, &c.
Saml. Prentiss.

New York June 24. 1835

Dear Sir,

My business at home is such as to require my personal attention without delay, and in justice to myself I must leave tomorrow morning.

In doing so I cannot withhold the expression of my fears for the result of our Indian negotiations. certain I am that nothing will ensure success but the most prompt, efficient and judicious measures. In obtaining the necessary assent of the Indians to the modifications made by the Senate we shall meet with difficulties at every step—I believe I anticipate more trouble and labour in endeavouring to effect the object, & feel a greater uncertainty as to the result, than my associates do—still I will not say that I feel discouraged, I cannot but believe, that ~~we~~ success will ~~shall~~ ultimately ~~succeed~~ crown the ~~exertions~~ efforts of the parties interested—

The position, in relation to this whole business, which I have been obliged to occupy, is exceedingly unpleasant and embarrassing. In order to give greater force and weight to many arrangements, it seemed to be necessary that my name should be used, as it was a matter of general notoriety that I had long acted as the agent of the preemption proprietors—my name has consequently been held up before the public eye in connection with the most abusive and unfounded charges—my character has been assailed and, my feelings have been disturbed and trifled with, beyond any thing that was ever thought of or anticipated by me—

~~I am aware that in a few instances, in the early stages of our proceedings, sufficient caution was not used & observed; but we were afterward more careful in some of our negotiations~~ — In the foregoing particulars my situation has been far more unpleasant than that of either of my associates, and in my view is entitled to special consideration — but I know of only one way in which my services can be ~~thus~~ duly appreaciated, and that is, for the Company to allow me to make — not only a fair, but a pretty liberal charge for the services rendered by me as the agent of the Company from about the year 1820 to the time of ~~the~~ making the present existing contract with the other gentlemen for the extinguishment of the Indian title — during a portion of that time my services were varied, extensive and very laborious — It is unnecessary now to undertake to specify, the ~~Trustees~~ present & former Trustees and the company have some knowledge of them, tho I know they cannot fully appreciate them —

I have always expected of course to make a fair and reasonable charge for those services, which embrace a period of fifteen or sixteen years, & which required more or less time, which to me was valuable, particularly from the year 1833 to the year 1837 — Other gentlemen have been paid compensations by salary or otherwise, but I have ~~been paid~~ received nothing for services thus performed for the Company —

and now, my dear Sir, I do think I should be allowed to make a liberal charge - and which under all the circumstances of the case, thus slightly glanced at, should not be less than five thousand dollars - In justice and equity I think it ~~ought~~ should be even more than that sum - but with that, I will be satisfied - and if you please let it be taken into consideration and disposed of at the same time and in connection with the communication made by the associate contractors, in relation to all which I authorize Mr Allen to act for me and to use my name when necessary, and to whom while here, any money may be paid on the joint account -

I should be glad to remain till after the proprietors have their meeting and to meet with them - but my absence has been extended so much beyond what was expected by my family or myself when I left home, and my business now demanding my return, that I must be off in the morning -

In addition I will merely observe, that ere long I shall be exposed to numerous & large demands of money from Indians. & some white men, some of the latter having no personal or political friendship for us in this matter, and I shall expect no favour from them & probably receive none - I greatly desire therefore that this whole business may be brought to as speedy a termination as possible

I hope the other gentlemen and the proprietors will confer together freely and fully in relation to all the matters & things necessary to obtain the consent of the Indians to the Treaty as ratified, as early as possible, and thereby complete the whole treaty arrangement

I am very respectfully
Your obt servt
H. B. Potter

Thomas L. Ogden Esq

Gillet R. H Hon: O. I. A. 473.

Ogdensburg, New York, July 9. 1838.

476. Sir,

386. The treaty, concluded with the Indians in the State of New York, on the 15th of January last, has been ratified by the Senate, with several amendments. A proviso to the ratification prescribes, that this treaty shall have no force or effect, nor be binding on either party, until, with the amendments, it shall have been submitted and explained to the Indians, and shall have been freely & voluntarily assented to by them. For the purpose of making this explanation, and obtaining this assent, you have been appointed by the President a Commissioner on the part of the United States. You will have a copy of the treaty and amendments, and your general acquaintance with the views of the Senate, and the reasons for the alterations, will enable you to perform this duty satisfactorily, I doubt not, to the Indians. The proviso requires that a separate council of each band or tribe shall be assembled. Your first step therefore, will be, to fix the times and places of meeting, which will be made known to the Indians by the Sub-agent, who will also prepare all the preliminary arrangements for the Councils, in the usual manner.

The first amendment has for its object the conforming the issuing of the patent to the provisions of the existing law of May 28th 1830, and it does not change the substance of the stipulation.

The third leaves it to the New York Indians themselves to effect if they can, an arrangement with the Cherokees for the purposes indicated. But after the clear intimations of the unwillingness of the latter to relinquish the tract of country in question, the United States could not with propriety do any thing to disturb a title solemnly vested in them by treaty.

The next amendment abrogates those articles of the treaty relative to the removal, the erection of churches, Mills &c, the employment of teachers and others, the reservation of land for the seat of of the proposed government, the establishment of a literary institution, and the supply of Stock and agricultural implements. In lieu of these a new article (the 15th) has been introduced which appropriates 400,000$ to be expended for similar purposes, under the direction of the President. This sum, in the judgment of the Senate, is a liberal estimate, and sufficient for the accomplishment of the various objects in a manner satisfactory to the Indians. One reason for this change probably was the want of specification in the original treaty, as to the material, size and structure of the buildings, and the quantities and kinds of stock and implements, and the want of limitation upon the expenditures. It was thought by the Senate, that it would be better for the Indians, that a liberal estimate for each object should be made, and a gross sum set apart, to be applied under the direction of the President. You will have a copy of the amendment before you, and can explain the various branches of it to the Indians. And you are authorized to give them the most solemn assurances, that their true interests, & their reasonable wishes so far as may be proper, will be constantly consulted. Nothing in the power of the Executive, shall be omitted, that will contribute to their satisfaction, and the promotion of their welfare. After they shall have removed, and established themselves beyond the Mifsouri river, Measures will be immediately taken to ascertain the number of each clafs of buildings, the different bands may require, and for the erection of them at the most suitable and convenient sites. Neither the Agent of the government nor the Indians can before that time, form a correct judgment on these matters, nor on the quantity of Stock and farming implements, nor on the number of persons necefsary to be employed among them. They may feel confident that this part of the treaty shall be so executed, so far as it depends on this

this Department, as to leave them, no cause to regret the alteration of the original treaty, which, it is believed, will prove more advantageous to them than the treaty itself would have been.

The subsequent amendment is in the 8th article. Claims for depredations, committed by citizens of the United States are provided for in the Intercourse law. For any comitted by other Indians there is no general provision, and it was deemed inexpedient to give the New York Indians a remedy, not afforded to all other tribes. The propriety of some mode of redreſs in such cases is not doubted, and it is hoped that Congreſs may frame some general enactment suited to accomplish the purpose.

The stipulation in the 11th article, relative to the residence of an agent among them, has been stricken out. The only effect of this is, to leave the propriety of employing such a person, to be determined by the President, upon a full view of their condition and circumstances, after they shall have removed.

(If the St. Regis, and the Oneidas who signed the treaty at Buffalo, shall give their aſsent to it as amended, you are authorized to apportion the sums of 4,000$ and 6,000$ therein stipulated to be paid to them respectively, upon which apportionment the payment will hereafter be made. If the former shall relinquish their interest in their present reservation to the State of New York, and agree to remove west or without the limits of the United States, you may aſsure them that the above sum will be paid whenever they go. Duplicates of the apportionments will be prepared, one of which will be forwarded to this Office.)

I enclose a *talk, addreſsed to the Indians, which you will please to communicate and explain to them. It expreſses the views of this Department in regard to the general good results to be anticipated, if they shall aſsent to the treaty. Your compensation will be the

same

same as under your former appointment.

C. A. H.

P. S. Four thousand dollars have been appropriated to defray the expense of these operations and this amount must, in no event, be exceeded. Remittances will be made to you, from time to time, upon your estimates, but you will postpone your drafts, until the money is actually required.

(Note for the TALK referred to. See Miscellaneous Record Book, No. 3 - pp. ).

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Gillet R. H Hon: O. I. A.

Ogdensburg, New York, July 9. 1838.

538. Sir,

473. If, at your interview with the Senecas, you shall discover in them a willingness to dispose of their Oil Spring reservation, and the holders of the preemption title to it shall offer them a fair consideration, and pay or secure to be paid the amount, you are authorized to sanction the proceeding on the part of the United States.

C. A. H.

It is agreed between Heman B. Potter of Buffalo of the first part, and George B. Green of Hamburgh and Guy H. Goodrich of Buffalo of the second part, as follows -

In consideration of services to be performed by the said party of the second part and their eight associates, for the purpose of procuring the assent of the Seneca nation of Indians to the amended Treaty made by R. H. Gillet commissioner on the part of the United States with the New York Indians bearing date the 15th day of January last as ratified by the Senate of the United States on the 11th day of June last, and to their contract of sale attached thereto - Which the said party of the second part hereby engage faithfully to perform by themselves and their said associates - now therefore upon the condition that said services shall be so rendered as aforesaid, and that the said Treaty with said amendments & contract shall be approved of and assented to by the said Seneca nation of Indians according to the terms and meaning of the said ratification and to the satisfaction of the President of the United States, then and upon those conditions the said party of the first part, for himself and his associates hereby engages to pay or cause to be paid the sum of four thousand four hundred & seventy five dollars to the said George B. Green and Guy H. Goodrich, in three months after notice that the President has decided that said Treaty as thus amended has become binding upon both parties by reason of such assent given thereto as aforesaid - Witness our hands & seals this 13 July 1838 — ~~H. B. Potter~~

~~G. B. Green~~

~~G. H. Goodrich~~

It is agreed between Heman B. Potter of Buffalo of the first part, and George B. Green of Hamburgh & Guy H. Goodrich of Buffalo, of the second part, as follows—

In consideration of services to be performed by the said party of the second part and their eight associates, for the purpose of procuring the assent of the Seneca nation of Indians to the amended treaty made by R. H. Gillet Commissioner on the part of the United States with the New York Indians bearing date the 15th day of January last, as ratified by the Senate of the United States on the 11th day of June last, and to their contract of sale attached thereto,— which the said party of the second part hereby faithfully engage to perform by themselves and their said associates— now therefore upon the condition that said services shall be so rendered as aforesaid, and that the said treaty with said amendments, and contract shall be approved of and assented to by the said Seneca nation of Indians according to the ~~said~~ terms and meaning of the said ratification and to the satisfaction of the President of the United States, then and upon those conditions the said party of the first part, for himself and his associates hereby engages to pay or cause to ~~pay~~ be paid the sum of four thousand four hundred and seventy five dollars, to the said George B. Green and Guy H. Goodrich, in three months after notice that the President has decided that said treaty as thus amended has become binding upon both parties by reason of such assent given thereto as aforesaid— Witness our hands & seals this 13. July 1838—

~~H. B. Potter~~

~~Geo. B. Green~~

~~G. H. Goodrich~~

Buffalo August 29th 1838

H B Potter Esq

Dear Sir

In behalf of the Trustees of the preemptive proprietors of the Indian reservations in this State I authorize you to agree to pay the individuals named in schedule D. of the Treaty lately concluded with the Six Nations the sums therein agreed to be paid to them by the commissioner of the Genl Govt, not exceeding in all the sum of Eight thousand dollars, and with the understanding that no payments are to be made except to the individuals who have signed the Treaty or who accept the amendments attached thereto by by the Senate — supposing it is still presumed that the Govt. of the U. States will now the allowances, provided for in Schedule D. the Trustees will not expect to pay them until an application has been made to it for that purpose. The payment will be made in other respects as provided for in the Treaty —

Respectfully &c.

J. L. Woodworth

James S. Wadsworth
Augt 29. 1838

As to Schedule D.

H. B. [illegible] Esq

Articles of an Agreement entered & concluded this day of September 1838 between Thomas L. Ogden & Joseph Fellows of the first part and the Chiefs of the Seneca Nation of Indians of the second part, made in the presence of & with the concurrence of R. H. Gillett Esq. a Commissioner on the part of the part of the ~~the~~ United States and H. A. S. Dearborn Esq. Superintendent on the part of Massa=chusetts, Witnesseth -

Whereas the said party of the first part are desirous of promoting harmony among the Seneca Indians and to gratify the feelings of such of the Chiefs as have strong attachments to their present homes, Therefore they do hereby agree with the said Chiefs in consideration of the premises and of one dollar to them in hand paid the receipt whereof is hereby acknowledged that after the ratification by the President of the United States of the Treaty of the 15th of Jany. 1838 as amended by the Senate of the United States on the 11. June 1838 they the said party of the first part on the decision of them or their proper representatives in the premises, will grant and give free of all expenses, & free of rent a lease to each of said Chiefs of the Seneca Nation who may wish to remain, for their respective improvements now made on the reservations and on which they respectively reside together with a suitable quantity of woodland adjoining thereto not exceeding 5 acres -

To have and to hold said improvements and woodland during the life of said Chief and the life of his present wife

Minute of agreement w.
Chiefs in Septr 1838
not accepted by them

Articles of an agreement entered into & concluded this day of September 1838 between the ~~Sons~~ Thomas L Ogden & Joseph Fellows of the first part & the Chiefs of ~~the~~ Seneca nation of the second part made in the presence of & with the concurrence of Ransom H Gillet a Commissioner on the part of the United States & Henry A S Dearborn Superintendent on the part of Massachusetts witnesseth:

Whereas the said parties of the first part ~~wish to~~ are desirous of promoting harmony among the Seneca Indians & to gratify the feelings of such as have strong attachments to their present homes therefore the do hereby agree with the said Seneca Nation in consideration of the premises & of one Dollar to them in hand paid the receipt whereof is hereby acknowledged that immediately upon the ratification by the President of the United States ~~of the treaty of January 15th 1838~~ ~~which was ratified Jun 11th 1838~~ with certain as amend~~ments~~ by the Senate of the United States on the 11th day of June 1838, or ~~at~~ at such future time as they may request it that the ~~said~~ said parties of the first part, ~~their~~ or the survivor or survivors of them or their proper legal representatives with the premises, will grant & give ~~to~~ free of all expense ~~to~~ a lease to each individual ~~Indian now~~ of the Seneca, Cayuga & Onondaga Indians now residing on the Seneca reservation, a ~~Lease~~ free of rent for their respective improvements now made on the said reservations & acres of woodland adjoining ~~thereto~~. To have & to hold said improvements & woodlands during the life of the owner of said improvements & during the lives of their present wives, which lease shall on the death of the said owner & wife cease & be null & void & the proper legal representatives of the said owner on said lease becoming void shall receive the value of their ~~said~~ now improvements according to the apprisal thereof as provided in the treaty of January 15 a 1838

~~Provided nevertheless that~~ ~~the said~~ portions of the

But in case the assent to the treaty is not so procured as to be ratified & confirmed by the President & published according to the usual form then this agreement is to be null & void.

In witness &

C. L.

Newport. Rh. Isld.

Sep 13 1838

To
Maris B. Pierce
Seneca Chief

Dear Sir. I have received your letter of the 6th instant.

If the amendments to the Treaty referred to have been rejected by the Tribe in full Council - held in the manner prescribed by the resolution of the Senate, the whole Treaty is now at an end, - it has become a dead letter, - it is as if it never had been. And if the Commissioner, or any one else tells you that it can be again brought before the Senate, either with or without the amendments, or in any manner, whatever, ~~on~~ or at all, he tells you what is false, and if he does this, either to intimidate, or to deceive the Tribe in this matter, he is deserving of severe rebuke and censure; & if this mis conduct, is brought to the notice of the Senate, I have no doubt an enquiry will be instituted, & he dealt with according to his demerits.

It was the intention of the Senate, and it is their express direction, that whatever ~~sub~~ was done by the Tribe on this subject, should be done in full & open Council; and by their free voluntary & unbought & unbiased choice either to reject the ~~amenity~~ amendments or to adopt them. If the Tribe has rejected them, & this rejection has been manifested by the records of the Council & the signatures of the chiefs, there is an end to the Authority of the Commissioner under this Treaty -

Sr.

He

He has nothing more, to do with the Tribe as to this Treaty; nor has the Tribe any thing more to do with him as to this Treaty. He has no manner of authority ~~for~~ by the Treaty for detaining the council together another moment against their will.

And if the Commissioner, has, knowingly even permitted any one, to tamper with any chief privately — & to endeavor by corrupt means, to induce him to adopt the amendments, he (the Commissioner) has violated his duty under the resolution of the Senate; and if any such fact is brought to the Notice of the Senate, I have no doubt it will undergo strict investigation. The Senate I am sure will not suffer their intention & direction in this matter to be defeated by indirect means & that with impunity.

You say "the honest desire ~~is to stay~~ of the Indians is to stay." — Then I say in God's name let them stay. I know it was the intention of the Senate, in that case that they should stay. —

Very respectfully

yr. friend & ob. servt

Asher Robb mem. of the
United States Senate

To the President of the United States.

We the undersigned Residents & Chiefs of the Seneca Nation of Indians, Now residing within the Jurisdiction of the State of New York, & in Peace & amity with the Government & the People of the United States, deem it a Matter of right to ourselves as an independant Nation. And to you as a People generous & at all times, & under all circumstances ready to listen to the Complaints of the Weak against the Powerful, Most respectfully beg leave to represent. That on or about the 20th of August last past the Commissioner of the United States Mr Gillett, opened an Council upon the Buffalo Reservation, again to treat with our Nation for the Sale of their lands & removal beyond the Mississippi - It was our confident belief Notwithstanding the general & well known policy of the Government as to the removal of all the Indian tribes - after the facts which we so clearly & forcibly presented to the Committee of last Session on Indian affairs, that we should for the future be left in the peaceful & quiet possession of our lands & our homes: & not even before the last flickering rays of the old council fire had become extinct, be again subject to the harrassing persecutions of an over zealous Commissioner, aided by a band of grasping individuals under the Name of a Preemption Company = The Remonstrance & other documents in vindication of our long established rights containing the history of the Council of January last is yet fresh in our recollections, & it is a painful duty that we are again called upon to plead our wrongs before you - The first week of the present council was occupied by the Commissioner on the part of the United States in stating (as he said) the force of the amendments to the late Treaty - At the close of the week, or soon after the chiefs were requested by the Commissioner to take the matter into [illegible] and

[illegible] Seneca [illegible] f. 48.

Person Commissioner, & also Commenting upon the
advantages to be derived by complying with the overtures
of the Government & support the result of our
deliberations to him, & he as a disinterested officer of
the Government, pledged himself solemnly to receive
our answer & transmit the Same to you - But has
what been the result? Day after day since that time we
have been convened in Council against our wishes, &
whenever we saw fit to remonstrate against such a
course, demanding each day & as often as we assembled
that the Commissioner should obey his instructions &
present the Treaty for Signatures: just so often have
we been repulsed, our most earnest & anxious entreaties
disregarded, our appeals to National honour cast
aside: our implicit confidence in former Treaties
guaranteeing the peaceable possession of our homes,
warmly, & forcibly portrayed to the Commissioner: &
what has been the result? A cold & forbidding indifference
to all we said, an utter & total disregard of the
Common decencies of life, a disgrace & reproach upon the
power which he represents - This Council has been in session
about one Month, & at a season of the year most
unpropitious for our Nation - How long it will continue,
we are unable to state - Our Crops are now withering
& wasting in the fields; our time which should be
spent in gathering a subsistance for the Comming
Winter, in making those necessary preparations
for the ease & comfort of the aged & poor of our
people, is wasted in fruitless litigation & unpleasant
& unsuccessful altercation - Is this right?
is it just? is it humane? Under the present state
of affairs, & in view of all the Circumstances, the
question is asked, What ought to be done? Our
Nation as a people are opposed to emigration.
We the Chiefs who represent & control their interests,
are also in a large Majority & will not now
Consent to the Sale & disposition of our lands.

This we have told the Commissioner from day to day for the past three weeks – yet in the face of this solemn determination we are compelled to attend Council for fear that some unforseen advantage will be taken in our absence. Now we most earnestly & sincerely desire that this Council may be closed, & this Commissioner recalled – Not a day has passed but he has stated to us that we have made an uncontrolable sale of our lands to the Ogden Company, been approved by the President, Secretary &c. & that unless we now accept of the offers of the Government, in five years we shall be compelled to leave the soil on which we now reside, our nation become extinct, & we be dispersed without a home – Now we know that this is false, & a man that will make such a statement is unworthy of the Government which sent him here – Again – A Council house was erected without our consent in the immediate vicinity of the Tavern represented in the Remonstrance of last Winter – Why was this so – & what authority had the Commissioner to erect this building upon our lands, & without our permission? The answer is easily given. Rum makes more treaties for the Government than ever honest men did – Where our old Council houses are located, & which are in good repair, & which have been used for many years past, there are no taverns – The Commissioner & the Ogden Co. were aware of this fact last Winter, & to obviate the difficulty, they took the responsibility of erecting one as above mentioned – What has been the [illegible] Night after Night Agents of this Company [illegible] prowling among our Reservation [illegible] in our houses, & a power of Attorney in [illegible] intimidating the more ignorant [illegible] our Chiefs to sign their paper. [illegible] have been brought daily to our [illegible] have been openly exposed in

[illegible] to the
[illegible] Company
[illegible] Company in which
[illegible] of the Indian was
[illegible] of his white brother, &
[illegible] amongst the [illegible] of strong drink robbed of his signature, & which is worse, robbed of his birth right, & the lands of his inheritance. This is no fiction of the imagination! No chimera of a distempered brain. It is true to the very letter & not half the tale is told. Is this, can this be explaining the amendments according to the Resolution of last Winter. You, & the Country must be the Judge. Every act of the Commissioner thus far seems to countenance & give licence to the bold & unprincipled game which is played by the Ogden Company. We did at first believe him honest but if honest, why in the name of heaven & our dearest rights protract this Council. The answer is brief. To give this Company time to make a treaty through fraud, bribery & corruption, instead of the Government's making one for itself. So it was last Winter, so it is now. The same disgraceful scenes are enacted now, that were at that time.

In view of all these facts, it is our earnest desire that this Commissioner be immediately recalled & we as a Nation once more restored to peace & happiness. We have already protracted our petition ~~thus~~ much further than we intended, yet in the multiplicity of troubles that throng around us, there is one subject more & we have done.

Judge Stryker has been our Agent for some time. In him we have no confidence, particularly his honesty & integrity. We believe, & we know that he has sold himself, & his services to the Ogden Company whose interests are directly opposed to ours. Private annuities &

Petition monies have been collected by him & never paid over to the owners thereof. The annuities due to us from the Government, we are assured by Mr Garland the Paymaster, cannot be paid until it pleases Judge Stryker, who says that if paid, the Chiefs will disperse, & no treaty can be made. Is this honorable? is it just? It is our desire that Judge Stryker be immediately removed, & an agent of our own choice appointed, & our annuities paid. In public debate in relation to the matter now under consideration, our patriotic efforts have been frequently suppressed, & our voice stifled when vindicating our rights by the commanding attitude of the United States Commissioner, who has frequently during the pendency of this negotiation, commanded the Chiefs of our Nation to take their seats, & frequently & at various times threatened to surround the council house with an armed force, if we did not obey the commands which suited him to promulgate, all of which was done & intended expressly to intimidate & force our Nation against their sovereign will to accept of the overtures of the Ogden Company through the influence of a corrupt Commissioner. In view of all these facts, we expressly, & emphatically demand, that this Man be immediately recalled from further negotiation, for we have declared to you, & to the Nation, that we hold him in such utter contempt for his past & wilful defiance of all the conventional rules that should ever govern the intercourse of free & independent Nations, that we will never treat further upon this subject with the present Commissioner, & we solemnly declare, that it is our positive belief that had the Chiefs been permitted to act free & voluntarily, as a free people ever should, not one signature could have been obtained to said Treaty, or amendments, that said amendments if acceded to by our Chiefs, will be so acquiesced in, even before the treaty is presented for signatures, as it is well understood and confidently asserted, that a power more potent than the Commissioner, sits in daily & nightly attendance in the Chamber of the Tavern above mentioned — Now with all due deference & due respect, we solemnly assert, in view of all the facts specified, if the Commissioner is not at once recalled from our Nation, we as a Sovereign People who have the right — will take proper measures to accomplish that object ourselves — All of which is respectfully Submitted —

Buffalo — Tonnewanta / Cattaraugus & Allegany Chiefs.

Big Kettle +
Little Johnson +
Seneca White
Daniel Two Guns
George Lindsey
James Robinson +
Henry Two Guns +
John Snow +
George Conjockety +
Jacob Bennett +
Maj Jack Berry +
William Jones +
John Jimmy John +
Jacob Blacksnake +
Charles Obail +
Mark Charles +
Daniel Snow +
James Williams +
Isaac Halftown +

Tall Peter +
John Barks +
Samuel Wilson +
William Crouse +
Jimmy Johnson +
Cummings Blacksnake +
John Pierce +
Blue Eyes +
Sky Carrier +
John Sky +
James Halftown +
Joel Hemlock +
Blacksmith +
Blue Sky +
Long John +
Oliver Silverheels +
George Dennis +
John Dennis +
Jack Jimmy John +
John Green Blanket +

Hiram Doxstater +
George Washington +
Ely Pierce +
George Killbuck +
John General +
James Shongo +
Stiff Knee +
Robert Watts +
David White +
John Tall Chief +
William Patterson +
Israel Jimeson +
William Cass +
Young Chief +

Isaac Davis +
Little Johnny +
John Big Fire +
Lewis Poodry +
John Kennedy +
James Hudson +
Maris B. Pierce

Dated at the Council house house on the Buffalo Reservation this 17th day of September A. D. 1838.

State of New York } Charles R. Gold of the City of Buffalo
Erie County ss. } being duly sworn says

that on the seventeenth day of September 1838, he saw the original paper of which the above is a copy signed by the Chiefs whose names are subscribed thereto: that is to say the [illegible] the names of said chiefs respectively [illegible] [illegible] B. Pierce [illegible] signatures annexed to said paper & their [illegible] each of said chiefs respectively made his mark opposite [illegible] in my presence: and said [illegible] Thos. Lewis, George [illegible] & Maris B. Pierce signed their names respectively to said paper in my [illegible]

C R Gold

State of New York }
Erie County ss: }

Reuben B. Heacock of the City of Buffalo being duly sworn says that he was present in Council on the Buffalo Creek Reservation on the Seventeenth day of September 1838, where the original paper of which the within is a copy was signed: that the same was agreed to by the said Chiefs in Council & deponent saw many of said Chiefs sign their marks to their respective names to said paper: that deponent is personally acquainted with ~~all & each~~ many of said chiefs who signed said paper.

13 yrs

Sworn before me
Sept. 19. 1838

R. B. Heacock

D. Tillinghast
Sup. Court Comr

An original
[illegible] to further
[illegible] with R. B.
[illegible] Commissioner
by C. B. Gold[illegible]
Heacock dated
[illegible] 17th 1838.

Whereas a proposition is contem=
plated by R H. Gillet commissioner
on the part of the United States, extend-
ing the time in which ~~time~~ the
Senecas were to remove, next, to five
years, in addition to the provision
already provided for, in the treaty
concluded with them January 15th
1838 — Whereas assurances have been
given by the said commissioner that
the treaty ~~as~~ with all its provisions
shall remain unimpaired. as
though this proposition had
not been made -

Whereas that the Company called
"Ogden Co" are a party and have
an interest in the said treaty -
Therefore It is agreed by the
undersigned as agent of the
said Company - (as well as
other matters hereafter to be
agreed with, the said parties)
no preferences to the said contemplated proposition
shall remain unaltered

and am informed, of any contract or contracts which the said H. B. Potter may have ~~since~~ entered into, with any of the said ~~Senecas~~ Seneca Indians — in accordance to said contracts, await the full ratification of the amended Treaty by the President of the United States —

Buffalo Sept 26. 1838 — H. B. Potter

To Thomas Jemison

I have signed the above paper drawn up by Mr Strong upon the request of the Chiefs, which you are to hold for the benefit of the parties concerned — H. B. Potter

[illegible]

Thos Jameson
to Relo

[illegible]

Whereas a proposition is contemplated by R. H. Gillet Commissioner on the part of the United States extending the time in which the Senecas were to remove West to five years in addition to the provisions already provided for in the Treaty concluded with them January 15th 1838 - Whereas assurances have been given by the said commissioner that the Treaty with all its provisions shall remain unimpaired as though this proposition had not been made.

Whereas that the company called "Ogden Co" are a party and have interest in the said Treaty - Therefore it is agreed by the undersigned as agent of the said Company (as well as other matters hereafter to be agreed with the said parties) in reference to the said contemplated proposition shall remain unaltered and unimpaired as to any contract or contracts which the said H. B. Potter may have entered into with any of the said Seneca Indians - in accordance to said contracts - to wit. the full ratification of the amended Treaty by the President of the United States.

Signed H. B. P. -

Buffalo Sept. 26th 1838.

To Thomas Dennison.

I have signed the above paper drawn by Mr Strong upon the request of the chiefs which you are to hold for the benefit of the parties concerned. Signed H. B. P.

Know all men by these Presents that I hereby authorise & empower John F. Schermerhorn of Utica to receive the money due me on the within contract, and to discharge the same. Sep 18th 1838.

witness

his
Baptiste X Powles
mark

Abraham Denny

Rec'd of H. B. Potter Five Hundred Dollars in full of the within Contract
N.Y. July 27. 1840

J. F. Schermerhorn

Powles acpt $297.75
202.25
$500 00

May 9th 1840 Received on the within from J. F. Schermerhorn one hundred dollars this day advanced by General H. B. Potter Esq.

Baptiste Powles

~~In addition to the within, and on same conditions, it is agreed that in case any valuation of the improvements of the Indians shall be made under the treaty with a view to the payment and satisfaction of the same from the fund of $102,000 mentioned in said treaty, and in case ~~of~~ that George Bennett's proportion of that fund shall not be sufficient to pay the appraised amount of his said improvements, then and in such case the undersigned for himself and his associates will pay to said Bennett & his heirs the difference in amount (if any) between such appraised value thereof and the amount he shall have received as his proportion of said fund -~~

~~Buffalo Sept. 21st. 1838~~

~~H. B. Potter~~

~~It is understood and agreed that the within mentioned sum of Five thousand dollars is to be increased one thousand dollars so as to make it Six thousand Dollars~~

---

It is understood and agreed that the Sum of One thousand Dollars is to be added to the within Contract Sept 29th 1838.

O. Allen

H. P. Wilcox

Credited

It is understood and agreed that the sum of One thousand Dollars is to be added to the within Contract

Sept 29. 1838. C. Allen

H. P. Willcox

Payments &c

| | | |
|---|---|---|
| Aug. 7. 1837 | Note | 10.00 |
| Jany. 26. '38 | Cash to buy coat | 20.00 |
| Augt. 18 " | Cash | 100.00 |

Allowed & Credited in part.

ORIGINAL IN MANUSCRIPT DEPARTMENT
BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY

## Recapitulation

| | |
|---|---|
| Permanent fund | 100.000. |
| Improvement fund | 75.000. |
| Fund for distribution &c | 75.000 |
| " " Contingent Expenses | 7.500. |
| 1.700 Acres of land — Say | 42.500 |
| | $300.000 |

100
100
100 = 500
1.000
500.
1.00
1.25
1.50

Memo. of appropriations of Oct. 1836

0 8 0 _ 4

0 [illegible]

0 10 . 0 [illegible]

To the Committee on Indian affairs { Buffalo Creek Reservation
Esteemed Friends { 10th mo 1st 1838

I received a letter from Maris B Pierce a Seneca Indian last 5th day informing that my attendance at the Council was desired by the Cheiffs I left home that evening and arived in time to atten Council with them on 6th day — the treaty was laid on the table on that day and received 16 signatures — the Cheifs opposed to emigratin requested the Commissioner not to ajourn the Council until they had signed their remonstrance and requested him to remain with them for a witness to that instrument — these requests he treated with unbecoming contempt and ajourned the Council to 7th day 11 oclock and retired their remonstrance was then presented and the signatures of 64 Cheifs and subscribed thereto — the Cheifs met on 7th day persuant to ajournment but the Commissioner did not attend but sent his interpreter there who informed that there would be no Council on that day — but the Commissioner would meet them in Council on 2nd day — after obtaining those signatures on sixth day he informed if others wished to sine the treaty they should have the opertunity of doing so at his lodgings — It is thought that the Council will be closed as soon as tomorrow or ajourned to some future time. If it should be finally closed there will a depetation of the cheifs proceed on to Washington accompanied by an Attorney from the City of Buffalo who will probably call on you for advice — The Clantine proceedings connected with this Council on the part of those w have endeavoured to force a treaty. affords an appology for their considering it necessary to meet the treaty with a remonstrance before the President — I think to set off for home this evening

In usual health I remain your friend

Joseph Battey

My Wife was in usual health when I left home I was as far up the river as great valley last week the Indians were harvisting their Corn which is a good crop they have grain enough this year to for their bread

J B

10-1-1838

Copied in Minutes Vol.3, p.46

10-30-1838 Tunisassah 10th mo 31st 1838

Our Friends the Quakers of Philadelpia

Brothers: We take this opportunity of addressing you Considering you still our friends— We remember with grattitude your kindness to our Delligates and the services you rendered us last Spring at Washington— Brothers: We have passed through a season of severe trials at the general Council of the Seneca Nation of Indians held recently at Buffalo creek reservation called by — Gillet the U— States Commissioner— the Council was seven weeks in session— the subject of the sail of our lands was very much pressed upon us by the commissioner— Considering the intriguing Pollicy pursued by those Concerned in endevering to affect the ratification of the treaty— it was thought it would be best to dispach a Delligation to washington for the pu[illegible] of presenting our remonstrance and other papers to the [illegible] accordingly Israel Jemeson Maris B. Pierce & John Canede were appointed for that purpose— They will be accomp[illegible] by a young man an attorney at law by the name of — G[illegible] of the City of Buffalo— who attended our council every day of its session and assisted in preparing the documents that are to have laid before the President— As we are not particularly acquainted with him we wish you to interest yourselves in our behalf to sattesfy yourselves in respect to his fidelity to us— as he will Call on you on their way to Washington— to be advised by you. We are sorry to find ourselves subjected to Circumstances which renders it necessary to solicit a repetition of your friendly assistance— Our moneys due from government is yet with held from us by our Agent— we have not funds to defray the expences of our Delegates on their journey to Washington— now we are Desirous that you would help them to money enough to supply their necessates if it is Consistant for we feel very

10-30-1838 Copied in Minutes Vol 3 p 47 48 desirous our views and determinations should be disclosed to the President and also the fraudulent maner in which signatures ware obtained to the treaty— we do not ask or wish you to give us money but to lend it to answer our present necessities and we will refund it to you as soon as we are of ability to do it— There was 10 cheifs signed the treaty in open Council— But we do not know how many signatures have been obtained since as none of our party ware permited to see the treaty after it was signed in Council But it is understood that there was from 28 to 32 names to the treaty when the Commissioner left the reservation— There was 64 cheifs that signed our remonstrance— Our People have been favored to a good supply of provisions this season

We are well and remain your friends and Brothers

Signed on behalf of the Cheifs
Allegany reservation by
Governer Blacksnake X
John Pierce X
Ikey Pierce X
Jacob Blacksnake X
their marks

Tunesassah 10th mo 31st 1838

To the Committee on Indian affairs —
Esteemed friends

We may add that the cheifs of Allegany reservation stands firmly opposed to selling their lands with the exception of two viz. Jacob Jemeson & John Gordon who it is believed have signed the treaty— Those of Tonewanta all stood firm at the close of the Council on the 2nd of this month, the council was adjourned to the 15th of next. By information received from Benjamin Williams an Indian it appears to be altogether uncertain whether the

Commissioner will return to attend the Council pursuant to adjournment or not; he informed that some of the emigrating Party stated to him, that the Commissioner at a select Council of their Party, informed them that if there could be names enough obtained, to secure the ratification of the treaty previous to that time, he should not return to Council again. It appears by information obtained through one of the Cheifs of Cattaraugus; that two assistant agents, have been engaged for near three weeks on that reservation, pretending to be making arrangements for the payment of their annuity; but were in reality endeavouring to procure names in favour of the treaty. — The Cheifs of Alegany reservation, received a letter three weeks since from A. P. Willcox assistant agent; stating that he was legally authorized by the [illegible] to inform them that the disbursing agent of the U. States would attend at their council house for the payment of their annuity for the years 1837 & 8 to the heads of families, on the [illegible] month. This has been the last they have heard from the agent on the subject of their annuity. — The Indians are unwilling that a change should be made in the manner of the payment of their annuity, [illegible] design in adopting this mode, is for the purpose of [illegible] upon them, by getting their names to some instrument [illegible] be prejudicial to their interest, pretending it to be for [illegible] annuity. — If you should consider under these circumstances [illegible] would not be best for their delegates to proceed to [illegible] perhaps you might give them some advice on the subject that would be beneficial to them.

In usual health we remain your friends

Joseph Batty
Rebecca Batty

BUFFALO
OCT
N.Y.

Thomas Wistar 25
Philedelphia
Penn-a

Letter
Joseph & Rebecca Bailey
10mo 1st 1838

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Letters
Alleghany Chiefs — 10mo 30. 1835
Jos & Reb. Bailey 10m. 31. 1835

Thomas Wistar
Philadelphia
Penn-a

[illegible] NY Nov. 5

25

1

Hon: J. R. Poinsett
Secretary of War.

War Department,
Office Indian Affairs,
November 25, 1838.

Sir:

In compliance with your directions, the following report is made of the transactions of this Office for the last year.

The most striking feature of the peculiar relations that the Indians bear to the United States is their removal to the west side of the Mississippi — a change of residence effected under treaties, and with the utmost regard to their comfort that the circumstances of each admitted. The advance of white settlements, and the consuming effect of their approach to the red man's home, had long been observed by the humane with pain, as leading to the speedy extinction of the weaker party. But it is not believed that any suggestion of the policy now in a course of execution, was authoritatively made prior to the commencement of the present century. Since it has repeatedly, and at various intervals, received the sanction of the chief magistrates of the United States, and of one or the other House of Congress, without, however, any definite action prior to the law passed eight years ago. Treaty engagements had been previously made for their removal west with several of the tribes, but the act referred to was a formal and general recognition of the measure, as desirable in regard of all the Indians within any State or Territory east of the Mississippi. Whatever apprehensions might have been honestly entertained of the results of this scheme, the arguments in favor of its adoption, deduced from observation, and the destructive effects of a continuance in their old positions, are so far strengthened by the success attendant upon its execution, as to have convinced all, it is thought, of the humane and benevolent tendency of the measure. Experience has shown, that however commendable the efforts to ameliorate a savage surrounded by a white population, they were not compensated to any great extent by the gratification which is the best reward of doing good. A few individuals, in a still smaller number of tribes, have been educated, and profited by the opportunities afforded them to become civilized and highly respectable men, but the mass has retrograded, giving by the contrast greater prominency to their more wisely judging brethren. What can even the social and educated Indian promise himself in a white settlement? Equality he does not, and cannot possess, and the to believe that in the just possession of his qualities, in the ordinary social relations of life, is laid him. Separated from deleterious associations with white men, the success will be perfect. A fine and wide field will be opened for him, in which he can cultivate the moral and intellectual virtues of the human beings around him, and aid in elevating them to the highest condition which they are capable of reaching. If these views are correct, the reflection is pleasant that is derived from the belief that a greater sacrifice of feeling is not made in their removal, than falls to the lot of our fellow citizens, in the numerous changes of residence, that considerations of bettering their condition are daily producing. Indeed, it cannot be admitted to be so great, for while the white man moves west or south, accompanied by his family only, the Indians go by tribes, carrying with them all the pleasures of ~~xxx~~ ancient acquaintance, common habits, and common interests. It can scarcely be contended that they are more susceptible of suffering at the breaking up of local associations than we are, for apart from their condition not favoring the indulgence of the finer feelings, fact proves that they sell a part of their possessions without reluctance, and leave their cabins and burial places, and the mounds and monuments which were the objects of their pride or affection, for a remote position in the same district. For whatever they have ceded to the United States, they have been amply compensated. I speak not of former times, to which reference is not made, but of later days. The case of the Cherokees is a striking example of the liberality of the Government in all its branches. By the treaty, they had stipulated to remove west of the Mississippi within two years from its ratification, which took place on the 23d. of May, 1836. The obligations of the United States, State rights, and acts by virtue of those rights, and in anticipation of Cherokee removal, made a compliance with this provision of the treaty indispensable at the time stipulated, or as soon thereafter as it was practicable without hardship. To insure it, General Scott was despatched to their late country, and performed a delicate and difficult duty, embarrassed by circumstances over which there is no human control, with great judgment and humanity. Early in the past season several parties had been despatched to the West, under the direction of officers detailed for that duty, amounting, as is estimated, to 6000, of whom muster rolls have not yet been received at this office. The preparations for the removal of those who remained being in progress, John Ross, and other chiefs, in virtue of a resolution by "the National Committee and Council and people of the Cherokee nation, in general council assembled," proposed to the commanding General that the entire business of emigration should be confided to the nation; that the removal should commence at the time previously agreed on, to wit, when the sickly season had passed away, unless some cause, reasonable in the judgment of the General, should intervene to prevent it; that the expense should be calculated on the basis of one wagon and team, and six riding horses to fifteen persons; and that the Cherokees should select the physicians, and such other attendants as might be required for the safe and comfortable removal of the several detachments to their places of destination. (See the proposition marked 1.) This proposal was accepted, on certain conditions, by General Scott, in a communication to the chiefs, (with an exception of such of the treaty making party as might not choose to emigrate under the direction of John Ross and his associates,) on the 25th of July. (2.) To the conditions prescribed they acceded on the 27th, stipulating for the months of September and October to get all their people in motion, and transmitting a resolution of the Cherokee council, conferring on them authority to make the necessary arrangements. (3.) The application as to time was answered, by saying that the emigration must re-commence on 1st September, and be completed on or before the 20th October, with a reservation in favor of the sick and superannuated, who might be unable to travel by land, if the waters continued too low for steamboat navigation, and with permission to such respectable Cherokees as might apply for the purpose, to remove themselves on the first rise of the rivers, although it should be after the 20th of October. (4.) An estimate was submitted by the Cherokee chiefs on the 31st July, which put the cost of the removal of 1000 souls at $65,880. (5.) General Scott intimated that this estimate appeared to be too high, and requested its re-consideration, (6) when its reasonableness was affirmed, a trifling but indispensable article added, (7) and the estimate was thereupon approved. (8) Of their disposition to conduct themselves with propriety, there is evidence in the letter of General Scott to yourself of 3d August, of which I herewith send an extract. (9) Throughout their collection and emigration, so far as this office is informed, the Cherokees have manifested proper temper, and an inclination to do whatever was required, with fewer exceptions than might have been expected, and these not of an important nature. It would seem that the cost of removal, according to the Indian estimate, is high, but as their emigrant parties, until it was insisted on by their own confidential agents, it was thought it could not be rejected. The latest advices give assurance that the last of the Cherokees would be on the road early in November. It has been estimated that 12,000 will be removed in detachments under their chiefs, which, added to the number that had emigrated previously during the year, believed to be about 6,000, will give an aggregate of 18,000 Cherokees, who have crossed the line west of the Mississippi during the spring, summer, and autumn. It is thought that when muster rolls of the emigrants arrive, the number will be found to be somewhat larger, but at present the above is according to the information possessed. The last annual report of my predecessor made the number of east Cherokees 14,000, but when General Scott had collected the great body of the Indians for emigration, it was computed that there remained, after deducting those who had removed since the above report was made, 12,000. These emigrants being reckoned, as before stated, at 6,000, would make the whole number 18,000 a year ago.

A retrospect of the last eight months, in reference to this numerous and more than ordinarily enlightened tribe, cannot fail to be refreshing to well constituted minds. Anterior to May last a large party, led by educated and intelligent chiefs, were dissatisfied and strongly discontented with the treaty of December, 1835, disinclined to emigration, and created by their conduct serious apprehensions for the consequences when the time for removal should arrive. It did come on the 23d May, but on the 18th the privilege of wealth and strength to yield what they might withhold was exercised in an act of gracious beneficence by the executive branch of the Government. In answer to a communication from a delegation of the Cherokee nation then in Washington, the Secretary of War, on that day, informed them that the best efforts of the United States would be put forth to prevail on the States interested in their removal to refrain from pressing them inconveniently, so as to interfere with their comfortable emigration, and that he was quite sure the exertion would be successful; that the Cherokee agents should remove the nation if desired, and he would so instruct the general in command in their country; and that he thought the expense of their emigration should be borne by the United States. He promised them an escort and protection while on the way west, and that as the sum heretofore set apart for the payment of reclamations of various kinds and to defray the expenses of their removal was deemed inadequate for those purposes, a further appropriation would be asked to meet them. This communication met the approbation of the President of the United States, who transmitted it to Congress, "that such measures may be adopted as are required to carry into effect the benevolent intentions of the Government towards the Cherokee nation, and which, it is hoped, will induce them to remove peaceably and contentedly to their new homes in the west." The fruit of this message was the law of 12th June, 1838, giving to the Cherokees the sum of $1.147,067. When it is considered that, by the treaty of December, 1835, the sum of $5,000,000 was stipulated to be paid them as the full value of their lands, after that amount was declared by the Senate of the United States to be an ample consideration for them, the spirit of this whole proceeding cannot be too much admired. The communication to the Cherokee delegation, submitted by the chief Magistrate to Congress, addressing itself to feelings correspondent with those in which it originated, found in both Houses a ready and willing concurrence. By some, the measure may be regarded as just, by others generous—it perhaps partook of both attributes. If it went farther than naked justice could have demanded, it did not stop short of what liberality approved. Thus was the foundation broadly laid for all that has since been constructed upon it. In compliance with his engagement the Secretary, on the 23d May, transmitted to General W. Scott a copy of the above communication, and authorized him "to enter into an agreement with the agents of the nation for the removal of their people," which produced the arrangement with John Ross and others already referred to. The natural results of granting so much to the means, to the feelings, and wishes of the Cherokees, followed. If our acts have been generous, they have not been less wise and politic. A large mass of men have been conciliated—the hazard of an effusion of human blood has been put by—good feeling has been preserved, and we have quietly and gently transported 18.000 friends to the west bank of the Mississippi.

The Pottawatomies of Indiana, the time for whose removal, by their treaty stipulations, had arrived for some and approached for others, showed an indisposition to comply with their engagements. White men had settled upon the lands they had ceded, and collisions arose that threatened the peace of the country and the spilling of blood, which induced the agent, to whom the direction of their emigration was confided, on the application of the white settlers, to call upon the Governor of Indiana for a military force to repress any outbreak that might occur. The Governor authorized General John Tipton to accept the services of 100 volunteers, who raised them, and used their services in the collection and removal of the Pottawatomies. A copy of his report to the Governor of Indiana is herewith submitted. (10) By this operation, 768 Indians are now on their way to the west. There have

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emigrated within the year 151 Chippewas, Ottawas, and Pottawatomies, 177 Choctaws, 4106 Creeks, being chiefly composed of the families of the warriors that were engaged in Florida, and who had left their homes prior to the last report, but arrived west since, 4,600 Chickasaws, and 1,651 Florida Indians, making an aggregate of 29,433, which added to those who had previously occupied their new abodes, makes 81,082 emigrant residents, of whom 31,343 are now subsisted at the expense of the United States, at a daily cost of $3,186.24. In the whole number of emigrants, of those for the year, and those living at the expense of the United States, are included the Cherokees and Pottawatomies, who, it is supposed, will have reached the end of their journey before this report is presented. There yet are east of the Mississippi, 26,682 Indians. A tabular statement, which accompanies this communication, exhibits in detail the foregoing facts. (11.)

Information was received on the 6th November, from the agent employed in that service, by letter dated at Pensacola, on 28th October last, that all the Appalachicola Indians and thirty-four Creeks, were embarked for the west. Recent communications are calculated to induce the belief that the Winnebagoes will remove quietly in the Spring. They concluded a treaty at Washington on the 1st November, 1837, which was ratified on 15th June, 1838, by which they covenanted to leave their present residences for the neutral ground west of the Mississippi, within eight months after the ratification. The day will arrive in winter, and it is understood they wish to be indulged till Spring, which seems to be not unreasonable, although the distance to be travelled is short, and I am sure they will be gratified. On the other hand, information of a different character has reached this office, stating that it is uncertain whether they will remove. In any event, I think, the above request ought to be granted.

The number of Indians on this side of the Mississippi is comparatively small, and it cannot be that much time shall elapse before the entire east country will be relieved of their presence — an event desirable in all aspects of the subject. It is an expensive operation, but is difficult to withhold any draft upon the public funds in reference to it. Our great purpose is their peaceable and comfortable translation; and in effecting it, the Government should have a liberal infusion of feeling and humanity, and not be misshaped by narrow rules.

The different treaties providing for their removal, and the act of 1830, entitle the Indians to receive patents for the land allotted to them in the west. As so many of them are there, would it not be just to give the evidence of title? They will look for it, and would be gratified by its receipt. The surveys have been made: designation of boundary on the ground might prevent collisions, and is proper. This duty should be attended to, I think.

Within the last twelve months, the following treaties, previously made, have been confirmed and ratified, and appropriations made by Congress for carrying them into effect. It is thought proper to notice them particularly, as having been acted on lately for the first time.

A treaty was concluded with the Miami tribe, on the 23d October, 1834, having been laid before the Senate with modifications, assented to by the principal chiefs, that body ratified the same with a certain amendment; "Provided, that the chiefs and warriors of the said tribe shall, in general council, as on the occasion of concluding the aforesaid treaty, agree to and sign the same." The amendment was adopted by the Miamies, and the treaty proclaimed by the President, on 22d December, 1837. By this contract a considerable body of land was conveyed to the United States, for which a fair equivalent in money was stipulated to be paid, viz: $208,000, with reservations of land. The United States further agreeing to have their improvements on the ceded ground valued, and to expend the amount in building, clearing, and fencing land for the Indians, on such place or places as they might afterwards select for their residence. An examination into the debts of this tribe, for the payment of which $30,000 were appropriated, is now in progress. The stipulations of the United States in the treaty have been complied with so far as the time has arrived for their performance.

With the Chippewas of the Mississippi a treaty was negotiated on the 29th July 1837. By it a cession of land was made to the United States, and we undertook to pay them in money and goods, annually, for twenty years, $35,000, to meet which, remittances have been made to public agents. There are also $100,000 to be paid by the United States to the "half-breeds of the Chippewa nation," under the direction of the President, and $70,000 to be applied in payment of their debts, $58,000 to specific claims, and $12,000 to other just demands against them. Governor Dodge recommends the postponement until Spring, of the distribution of the $100,000 and the allotment to the creditors of the $12,000. The $58,000 might be paid here on drafts of those entitled, but if necessary to appoint an agent in the Spring for the other purposes mentioned, perhaps the whole had better be confided to him. There are some minor, and yet important provisions for the benefit of the Indians, such as the erection of blacksmiths' shops, the employment of farmers, and the delivery of agricultural implements, and grain or seed, &c., which the above gentleman has been asked to suggest the most judicious plan of carrying out.

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From the Sioux of the Miſsiſsippi a ceſsion of land was obtained by treaty concluded at Washington in September, 1837. Instead of investing $300,000, as provided by the treaty, $15,000 were appropriated to pay the interest, at five per centum. This sum remains in the Treasury it having been considered advisable not to pay it over until due. This, for a single reason, is, perhaps, most judicious. If the interest is paid in advance, an interval of more than a year must occur between such payment and that may be made of the interest that shall have accumulated on an investment when convenient to make it, it will be difficult to explain this to the Indians, and dissatisfaction might grow out of it. Commiſsioners have been appointed to investigate debts and claims of the "relations and friends of the chiefs and braves." To the latter, $110,000 have been appropriated by the treaty, and have been remitted to the proper agent; and the sum of $90,000, set apart for the payment of the just debts of the Sioux, is retained to meet the drafts of the Commiſsioners in favor of the creditors, and until their report is received. The other stipulations of the treaty have been complied with, except those which appropriate, annually, $8,250 to the purchase of "medicines, agricultural implements, and stock, and for the support of a physician, farmers, and blacksmiths, and for other beneficial objects," and bind the United States to supply the Sioux, as soon as practicable, with "agricultural implements, mechanics' tools, cattle, and such other articles as may be useful to them, to an amount not exceeding $10,000," to enable them to break up and improve their lands. The agent has been directed to expend such a portion of the amounts mentioned, as prudence would warrant, for the objects intended; and Governor Dodge and he have been requested to submit a plan for the most beneficial application of the said sums.

The Sacs and Foxes of the Miſsiſsippi ceded, by the treaty of October 21, 1837, 1,250,000 acres of land. The survey of the land is now making at the expense of the United States, according to a provision of the treaty. A commiſsioner has been appointed to examine their debts, and the $100,000 provided for their liquidation retained until his report comes in, which, it is understood, may be looked for very soon. Goods to the amount of $28,500 have been delivered them according to the treaty; and instructions were given, on the 28th of August, for the execution of the other stipulations for the current year, except as to the interest of $200,000, which has not been paid, because not due. In lieu of an investment of the principal, the interest was appropriated by Congreſs.

In consideration of a ceſsion of land made by the Sacs and

Foxes of the Missouri by the treaty of October 21, 1837, the United States covenanted to invest for their use $157,400, and to apply $3,500 of the interest of it for beneficial objects; to effect which instructions have been given. The money has not been invested, but the interest appropriated by act of Congress. The balance of it, amounting to $4,370 (at five per centum) has not been paid, because not due. The remaining provisions have been fulfilled.

The treaty made with the Yancton Sioux, on the 21st of October, 1837, has been executed in all its stipulations.

The Winnebagoes ceded their lands east of the Mississippi to the United States by treaty of November 1, 1837. In consideration thereof, the United States agreed to pay, "at the earnest solicitation of the chiefs and delegates" of the nation, $50,000 to certain individuals, which will be paid here; $150,000 for their debts, which may be ascertained to be justly due, and admitted by the Indians, and to pay, under the direction of the President, $100,000 to the relatives and friends of said Indians of not less than quarter blood. To ascertain the debts, and who are entitled under the last clause, commissioners are now engaged. The payments to be made presently in goods, horses, and provisions, have been attended to. The balance of the proceeds of the lands ceded, namely, $1,100,000 is to be invested, and interest at five per centum guarantied. The investment has not been made, but the interest has been appropriated by act of Congress. Forty-five hundred dollars of it are to be applied, by the treaty, to education and other beneficial purposes. For the attainment of these and other useful objects provided for, and to be gained when they remove, Governor Dodge has been desired to suggest a plan. The balance of the $35,000 has not been paid, because not due.

The stipulations of the treaty made with the Ioways, on the 23d of November, 1837, have been complied with.

The Oneidas at Green Bay, by a treaty made since the last annual report, viz: on the 3d of February, 1838, which was ratified on the 17th of May, ceded all the land "set apart for them in the first article of the treaty with the Menomonies, of February, 1831, and the second article of the treaty with the same tribe, of October 27, 1832," reserving to the said Indians, "to be held as other Indian lands are held," a tract of one hundred acres for each individual, which shall be "laid down as to include all the settlements and improvements in the vicinity of Green Bay." The United States agreed to pay to the Orchard party of the Oneida Indians $3,000, and to the first Christian party $30,500. Of the last sum, $3,000 are to go to the erection of a church and parsonage house, and the residue of the $33,500 to be apportioned, under the direction of the President, to those having just claims thereto, the said aggregate having been "designed to be in reimbursement of moneys expended by said Indians,

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and in remuneration of services rendered by their chiefs and agents in purchasing and securing a title to the land ceded;" and the United States further agreed to have the reservations surveyed as soon as practicable. Instructions have been given for the execution of the several articles.

A treaty was concluded with the Chippewas of Saganaw, on the 14th of January, 1837. They ceded several large tracts of land, the proceeds of which the United States agreed should be invested for their use. The fourth article of the treaty set apart $107,343.75 for specific purposes, which the United States agreed to advance, but the third article of the supplement limited the amount to be advanced to $75,000, and provided that the deduction shall be made upon the sums ratably, or in any other manner the President may direct. An appropriation of $75,000 was accordingly made at the last session of Congress; but as it cannot be apportioned until the debts are ascertained, for the payment of which $40,000 were allotted in the said fourth article, $5,000 in money and $10,000 in goods, provided for by the fourth article of the supplement for the year 1838, have only been paid, together with $100 for vaccine matter and the services of a physician and $200 for tobacco, according to the fourth article of the treaty. The remaining $59,700 will be retained until the report of the commissioner, recently appointed to ascertain the debts, comes in, when a ratable distribution can be made. The Land Office has been requested to hasten the surveys and sales. An exploring party has found a suitable location beyond the Missouri, and the acting superintendent thinks their will soon commence.

These Indians concluded another treaty with the United States on the 23d day of January, 1838, which was ratified on the 2d July 1838, which relates to the sales of the lands ceded by the treaty of the 14th January, 1837, and to their emigration.

By these several compacts the United States have acquired 18,458,000 acres of land, for which the sum stipulated to be paid is $3,553,000.

Efforts were made in the years 1834 and 1835, through the agency of Governor Lucas, to treat with the Wyandots of Ohio, which failed of their object. They were renewed in 1836, by John A. Bryan, Esq., who negotiated the treaty of 23d April, by which a part of their reservations was ceded. They still hold a remarkably fertile tract of country, in extent about fourteen miles long by twelve in width, watered by the Sandusky and situated in Crawford County, nearly midway between Columbus and the shore of Lake Erie. The extinguishment of the Indian title to this land is desirable. The honorable Mr. Hunter, representing that district in Congress, and A. H. Sagner, Esq., of

Columbus, have had, on the invitation of the department, various interviews with the Wyandots, and Mr. Swayne has been instructed to negotiate with them on the most liberal terms.

By the amended treaty of 1834 with the Miamies, already referred to, $50,000 were appropriated to pay their debts. A commissioner was appointed to examine them; and it was discovered that, so far from $50,000 being equal to their discharge, they had greatly accumulated since 1834, and amounted to upwards of $200,000. It is probable, that to obtain a fund to relieve themselves from this unexpected embarrassment, they may be disposed to cede a part of their remaining lands.

The Osages by their treaty of June, 1825, conveyed an extensive tract of country to the United States. The sum agreed to be paid for it was divided and absorbed in various ways, so that not much benefit resulted to them, except the temporary relief afforded by the distribution of money and clothing at the payment of their small annuities. They were poor and destitute, and they plundered our citizens and other tribes. Congress, at its last session, having, for one object, to place the Osages above the temptation to do wrong, made an appropriation for a treaty to extinguish, reads the law, "their title to reservations in lands within other tribes, and for other purposes." The conduct of the negotiation authorized has been intrusted to General M. Arbuckle and Captain William Armstrong, who, in conformity with what was believed to be the wish and intention of Congress in making the appropriation, were instructed to engage for allowances and payments on a liberal scale.

A treaty with the New York Indians has been for some time in a course of negotiation for their lands at Green Bay. It at one period assumed a shape which induced the commissioner, who was charged with that duty, to accept it; but the Senate prescribed certain amendments, upon the full assent of the Indians to which it was to be promulgated. These changes the commissioner laid before them, with full explanation in council, and obtained the assent of all the tribes, in a manner fully satisfactory, except that of the largest one, the Senecas. A fuller expression of their willingness to accept the terms proposed was deemed proper and necessary, and the honorable Mr. Gillet, the commissioner, has been requested to lay it again before them, with a view to such consent, if they choose to give it. Should they decline to do so, the treaty, by its own provisions and the resolution of the Senate, will nevertheless be ratified as to the other tribes. When the report is brought in, such course as it makes proper will be taken. I subjoin a part of a report of the commissioner, made on the 29th of November, 1837, (12) which contains some information that may, perhaps, be interesting, respecting these Indians, of whom comparatively little is known out of the region they inhabit.

General Arbuckle and Captain Armstrong have been also engaged to treat with the Creeks, "for the purpose of adjusting the claims for property and improvements abandoned or lost, in consequence of their emigration west of the Miſsiſsippi."

1 It has been deemed advisable to attempt a negotiation with the united band of Ottowas, Chippewas, and Potawatomies, north of Miſsouri, for their lands; and Major John Dougherty and Major A. L. Davis have been instructed on the subject.

Under the treaty with the Cherokees, commiſsioners to value their improvements and examine the debts due by the nation and the individual members thereof have been engaged in the arduous and necessarily protracted duties assigned to them, which have been discharged by the different gentlemen, who at various times have constituted the commiſsion, in a manner that is believed to be highly beneficial to the Cherokees. At what time their labors may be expected to close I have no means of ascertaining, but I have no doubt they will be terminated at as early a day as consists with justice to all concerned.

Anthony Ten Eyck, Esq., of Michigan, was recently appointed, under the 11th article of the treaty with the Chippewas of Saganaw, which provides for the liquidation of their debts and the ascertainment of the depredations committed by them, a commiſsioner to make the inquiries preliminary to payment.

Under the act of Congreſs of the 3d March, 1837, a commiſsion was instituted to examine claims for spoliations committed by Creek and Seminole Indians, in Georgia, Alabama, and Florida. A report of examinations in the two former was made by Meſsrs. Pease and Smith, in November, 1837, which was submitted to Congreſs in January 1838. The hostilities in Florida prevented any action by them in that Territory. It was not thought proper to direct their further progreſs until the report made was acted on by Congreſs. When it shall be judged neceſsary, a renewal of the investigations of the commiſsion will be required; and an enlargement of the law constituting it, so as to extend its jurisdiction to the State of Miſsiſsippi, is recommended, that depredations committed by the last Creek emigrants at Paſs Christian, or elsewhere, may be examined.

The commiſsion, consisting of Alfred Balch, esq., and the undersigned, raised under the resolution of the House of Representatives of the United States, of 1st July 1836, has lately closed the investigations committed to it. The field to be explored was very wide, and it is hoped the examinations have been as extensive and thorough as, under the circumstances, could be expected. The reports made up to the close of the last session of Congress have been heretofore, by your direction, transmitted to the House of Representatives, and the further reports, since made, will, it is presumed, take the same course. The contract made to certain Creek chiefs, with J. C. Watson & Co. provides for the appointment of an agent to decide between it and such conflicting claims as might arise; the parties, opposed in interest to that deed, called for the appointment of such a commissioner. The person designated for that duty resigned, and a successor will be selected.

The act of Congress of March, 1837, provided for the appointment of three commissioners "who shall constitute a board for the adjustment and decision of all claims of the Choctaw heads of families, for reservations of land, under the fourteenth article of the treaty concluded with said Choctaw nation at Dancing Rabbit Creek," on the 28th September 1830. Under this law, James Murray, Esq., of Maryland, P. D. Vroom Esq., of New Jersey, and P. R. R. Ray Esq. of Mississippi, were appointed; but the latter having resigned, Roger Barton, Esq. of Mississippi, was selected to supply the vacancy. They assembled in the State of Mississippi, and entered upon their duties. Pending their discharge, the commission, which would have expired by the limitation contained in the law that created it, was extended, by the act of 22d. February, 1838, until the August last. On the 31st July, Messrs. Murray and Vroom made a report of their opinions upon 261 cases, and state that the number of claimants whose names were filed with them, amounts, according to the lists returned with the report, to upwards of 1,300; and that "it is understood there are other claims yet to be filed." I would respectfully suggest that further legislative provision be recommended, for examining the claims that have not been investigated.

The performance of the stipulations for reservations, contained in several treaties, is complete in some instances, while in those more important and difficult, and requiring time, they have been only partially executed. Progress in the latter is, however, making, and it is expected that whatever the treaties and law require will be perfected as early as practicable.

The investment of moneys raised by sales of ceded lands, under treaty provisions, or paid for cessions, has latterly been carried to a considerable extent. It is a most beneficent policy, which furnishes an annual resource to those who would as certainly expend the principal in a twelvemonth as the income of the stocks. The funds thus put to interest, under the direction of this office for Indian use, amount to $1,776,321 76, and yield yearly $92,722 92. The tabular exhibit herewith submitted (13) shows the nature of the investment, how much leads to better subsistence, and other enjoyments, which it may be gratifying to look at. Future sales of lands will increase this source of comfort and supply. It not being convenient to invest some of the amounts agreed to be so disposed of by late treaties, Congress appropriated sums equal to the aggregate of interest that would have accrued according to the rate provided. This is doing full justice to the Indians, until it shall suit the Treasury to set the necessary capital aside.

An act of Congress was passed on the 7th of July last, appropriating $150 000 "for affording temporary subsistence to such Indians west of the Mississippi, who, by reason of their recent emigration, or the territorial arrangements incident to the policy of setting apart a portion of the public domain west of the Mississippi, for the residence of all the tribes residing east of that river, as are unable to subsist themselves, and for the expenses attending the distribution of the same." This sum was "to be expended under the direction of the Secretary of War." Soon after, viz: on 28th July, 1838, regulations (14) were prescribed for carrying out the intentions of the Legislature, and orders were issued to the proper agents for this purpose. No returns of those entitled to the benefits of this gratuity have been received, but it is, doubtless, in a course of distribution, and the donation will be received by those for whom it was supposed to be designed.

The principal lever by which the Indians are to be lifted out of the mire of folly and vice in which they are sunk is education. The learning of the already civilized and cultivated man is not what they want now. It could not be advantageously ingrafted on so rude a stock. In the present state of their social existence, all they could be taught, or would learn, is to read and write, with a very limited knowledge of figures. There are exceptions, but in the general the remark is true, and perhaps more is not desirable or would be useful. As they advance, a more liberal culture of their minds may be effected, if happily they should yield to the influences that, if not roughly thrust back, will certainly follow in the wake of properly directed efforts to improve their understandings. To attempt too much at once is insure failure. You must lay the foundations broadly and deeply, but gradually, if you would succeed. To teach a savage man to read, while he continues a savage in all else, is to throw seed on a rock. In this particular there has been a general error. If you would win an Indian from the waywardness and idleness and vice of his life, you must improve his morals, as well as his mind, and that not merely by precept, but by teaching him how to farm, how to work in the mechanic arts, and how to labor profitably; so that, by enabling him to find his comfort in changed pursuits, he will fall into those habits which are in keeping with the useful application of such education as may be given him. Thus too, only, it is conceived, are men to be christianized; the beginning is some education, social and moral lives, the end may be the highest hope; but this division might not, perhaps, to have been made; upon it I certainly will not enlarge; it is in abler hands. Manual labor schools are what the Indian condition calls for. The Missionary Society of the Methodist Episcopal Church has laid before the department a plan, based upon the idea suggested, for establishing a large central school for the education of the Western Indians. Into their scheme enter a farm, and shops for teaching the different mechanic arts. Experience, they say, has shown them, after much opportunity for judging correctly, that separate schools for the respective tribes, though productive of much good, are not so useful as one common school for the benefit of all would be. They assert truly that a knowledge of the English language is necessary, and they think that it can be best acquired in an establishment of the latter description. I would not hazard a different opinion; and yet it may not be improper to state that the funds which have been set apart for education purposes belong to the several tribes, without whose consent the Government could not devote them to a general school; and this the society admits. There is no disposition to discourage the efforts of those who choose to labor in this work of benevolence. On the contrary there is, as there should be, an eagerness to meet any advance which promises greater facilities for improving the mind and morals of the Indian. Upon success in this department hangs every hope. All that can be done to encourage and cheer on those who have devised this scheme of goodness and charity, I think, should be done. But, whatever reform may be deemed advisable in the direction and economy of the separate schools, it appears to me that if the proposed central school shall be established, they should be kept up too. They may, perhaps, be more numerous than is necessary or advantageous; they may be too expensively conducted, or more scholars ought to be taught for the money expended, or they may be badly located; but each, or all, of these objections may be obviated and the schools improved. For such minor institutions, would not the central school be able to furnish teachers? Could not the Government, in consideration of any pecuniary aid it might render, exact, as a condition, that a certain number of young Indians of capacity should yearly leave the central school qualified to be instructors, who shall make compensation for their own education by teaching, as long as might be thought advisable. Let such a plan but be in operation three or four years there would be an ample supply.

The manual labor system has been advantageously employed in one or two instances, particularly among the Wyandots of Ohio; and by bringing it into general use, better success, it is hoped, may attend the exertions making to impart knowledge to the benighted Indians. Their capacities are represented as not inferior, and yet the progress that is made is not very gratifying. There must be some defect in the course adopted, and, it is thought, it may be found where it has been stated to exist; whatever else may be deemed expedient, the admission of manual labor in various shapes, with the benevolent task of instruction, recommends itself by the strongest considerations. Herewith is communicated a statement (B) which gives the information in possession of this office, respecting the various Indian schools.

The general obligations of the Government to the different tribes, the fulfilment of which is made through the agency of this office, have been attended to. The reports that have been received from the different superintendents and agents (extracts from which, 16 to 33 inclusive, accompany this report,) show the general condition of their respective charges. Although here and there the eye rests on a green spot, the field is generally barren. For those not yet removed, much, if any amelioration, is not to be expected; for the emigrants every thing will depend upon the line of policy that may be adopted. If it be adapted to their condition and wants, and be directed by discretion and wisdom in those to whom its execution may be committed, the most beneficial results may be anticipated. A crisis in their fate has arrived which cannot but make an epoch in their history. The ground is untrodden, and for that reason, together with my own newness of relation to them, the observations already made, and any others which may follow, are submitted with diffidence. The powers and duties of agents, and their permanent assignment to particular tribes, are of long standing. The judiciousness of the latter, it is thought, may be well questioned. Referring not to personal considerations, which are not meant, however, as a point of legislation or executive regulation, is it expedient to identify the agent with the tribe to which he is sent? Is there not some hazard of his becoming attached to their particular interests, to their customs, to bad men among them, to all that is theirs? The more there is in the agent to esteem, the more likely will it be to happen

If there were but one tribe and one agency this would be most desirable; but the United States, owing their specific treaty obligations to each, extend even-handed justice and protection, and kind treatment, as they owe them to all. With the feelings that have been attributed to these fixed agencies, will not the individuals who fill them become the partisans each of his own particular charge? It cannot be otherwise, and experience must have shown it. In all differences between tribes, wherever there are conflicting interests, or criminations and recriminations, the several parties will find in their attached agents, willing and zealous advocates. However this may commend the individual, the Government seeks information from the calm who take no counsel from their feelings. A dispassionate representation of claims and rights is necessary to just conclusions, and it is not reasonable to expect it from devoted friends. Then, it is supposed, long continued residence and intercourse will make agents. It is suggested whether it would not be better to allow each of them to reside but a limited time in any one district. By transferring them from one position to another, as frequently as may be regarded proper, they will be cut off from the strong excitement of their feelings, or if, peradventure, it will still occur, a removal to another agency will produce kindred predilections elsewhere, and these attachments will neutralize each other. By a general consideration of the interests of all, those of each will be better understood. A general association will liberalize the views, and by widening the horizon, give a look over the wider surface. It might be well to authorize the yearly or semi-annual assemblage of the agents within particular districts to confer upon the condition of their several trusts. It may be said that the influence which the Government should hold among these rude beings has been preserved, and can be maintained only through agents, but cannot this influence be once through others, and if it can, is it not unwise to confine it to our own officers alone? With them it must cease in a state of things which might be supposed. Besides, the traders are licensed; if they were as judiciously selected as they ought to be, might they not be useful in this particular? But the chiefs should be so treated as to make of them fast friends, and their continued presence, under any circumstances, among the Indians, would furnish advocates when they would be most needed. If upon full consideration, these suggestions should be adopted, there does not seem to be (for this particular purpose) any change of law necessary, for the act of 30th of June, 1834, providing for the organization of the Department of Indian Affairs," authorizes the President, whenever he may judge it expedient, to discontinue any Indian agency, or to transfer the same from the place or tribe be provided by law, to such other place or places as the public service may require. The superintendency at St. Louis is fixed by the above law, at that place; it has become an inconvenient location, and should be removed to Fort Leavenworth, or some other point west of St. Louis; but this cannot be done without the interposition of Congress. It is respectfully recommended that the necessary legislation be enacted, leaving the place discretionary with the War Department.

The statement of disbursements through this office (34) exhibits a large amount of expenditure. It shows what has been remitted to different public agents, or how much they have sent in accounts, and what proportion remains unaccounted for. This, except as to the amount drawn out, gives no precise information. The disbursements of the agents can be only settled finally in the accounting offices of the Government; and consequently, the balances unaccounted for may be less or more, as the sums expended and vouchers produced may be allowed or not. The statement is made from such information as is on file. However large the amount of the requisitions, they were made to fulfil treaty obligations, and to effect objects most desirable to the Government and the country. I also send a general statement showing the amount applicable to expenditure, and the amount expended in the service of the Department of Indian Affairs during the year ending 30th September last (35.) The condition of the civilization fund is shown by exhibit 36, and of the treaty funds for education purposes by statement 37, herewith transmitted. As the law now stands, all sums that are not used within two years after they have been appropriated, go into the surplus fund of the Treasury; and, if they are wanted for the original objects, must be re-appropriated. It frequently occurs from limitations in treaties, from their having been ratified conditionally, and a variety of causes, that money appropriated for the purposes of this office cannot be used within two years, and great inconvenience would result, were it not that a practice has prevailed of drawing out such balances as it is thought will be wanted, and which would otherwise fall into the surplus fund. The amount so obtained is placed to the credit of the disbursing agent here, and applied in discharge of the Government obligations. This is, although not substantially incorrect, irregular, and to avoid, for the future, the necessity of such a resort, I think the law ought to be altered, so as to allow three years for the expenditure. This, I hope, if a general change is not thought expedient, may be done in regard of this office so that no money, except for contingencies, and the salaries of the gentlemen employed in the bureau, shall in future be called for, that is not paid at the treasury, on special requisitions, at the time and for the precise object that determines the expenditure.

The disease which was so destructive of human life every where before the discovery of the art of vaccination has been peculiarly fatal among the Indians during the past year. Their general want of medical advice, and neglect of precautionary measures, added to their irregular and exposed modes of living, made them certain victims to the scourge. It appeared among the Chickasaws, by whom it was introduced among the Choctaws in the west, and, from the wandering disposition of the sufferers it was extended. Numerous deaths occurred, notwithstanding every exertion was made to confine the disease, and prevent their association with the well, but by the early and diligent use of vaccine matter, much was done in this quarter to arrest the ravages of the disorder. It was, however, in the north-west that the greatest amount of human life was extinguished, among the more savage and unsettled tribes. It is computed that among the Sioux, Mandans, Riccaras, Minnetarees, Assinaboines, and Blackfeet Indians, 17,200 persons sunk under the smallpox. In at least one other tribe it is known to have prevailed, but no attempt has been made to count the victims, nor is it possible to reckon them in any of these tribes with accuracy; it is believed that if the above number was doubled, the aggregate would not be too large, for those who have fallen east of the Rocky mountains. Whether it reached beyond them is unknown. But vaccine matter was sent by a gentleman, who was sent to the Columbia river region, with a request that he would endeavor to introduce it there. On this side, and where the malady prevailed so extensively, every exertion was used to vaccinate as generally as possible, and a physician was despatched for the sole purpose, under the direction of this office, while the pestilence was at its height. The intrinsic difficulties attending such efforts are apparent; still, it is believed much prevention was effected and good done. The medical gentleman employed on this business vaccinated about 3000 persons.

The removals west make a new organization of the superintendencies and agencies advisable. I have already submitted some observations in favor of their mutual transfers, and if they remain as the law of 1834 arranged them, the Executive power of transfer granted, is, perhaps, sufficient for the purpose. If, however, [illegible] arrangement should take place, it would be proper to invest the authority with specific legal provisions as to compensation and the bonds for performance of duty. Some regulation as to the licensing trade will also be expedient. By the law of the 2d of [illegible] last, officers in the line of the army cannot be employed on civil duty after the 3d of March next. Officers of the staff may, it is presumed, render this service; none would do it more efficiently or faithfully. The only objection to them is that military exigencies might call them away.

There is one measure that, in my judgment, is of great importance; it has heretofore attracted the attention of Congress, and I respectfully invite it to favor. Any plan for the government of the western tribes of Indians contemplates an interior police of their own in each community, and that their own laws shall prevail between themselves, for which some of their treaties provide; but, as it seems to me, one indispensable step to their advancement in civilization cannot be taken without their own consent. Until some system is marked out by which there shall be a separate allotment of land to each individual whom the scheme shall entitle to it, you will look in vain for any general casting off of savagism. Common property and civilization cannot co-exist. The few instances to be found in the United States and other countries of small abstracted communities, who draw their subsistence and whatever comforts they have from a common store, do not militate against this position. Under a shrewd economy, the mass work for two or three rulers or directors, who enjoy what they will, and distribute what they please. The members never rise beyond a certain point, (to which they had reached, generally, before they joined the society,) and none will advance; they remain where they are. But if they should, these associations are so small and confined as to leave their possessions in the class of individual estates. At the foundation of the whole social system lies individuality of property. It is, perhaps, nine times in ten the stimulus that mankind first feels. It has produced the energy, industry, and enterprise that distinguish the civilized world, and contributes more [illegible] to the good morals of men than those are willing to acknowledge who have not looked somewhat closely at these questions. With it come all the delights that the word home expresses, the comforts that attend fixed settlements are in its train, and to them belongs not only an anxiety to do right that these gratifications may not be forfeited, but industry that they may be increased. Social intercourse and a just appreciation of its pleasures result when you have civilized, and, for the most part, moral men. This process, it strikes me, the Indians must go through, before their habits can be materially changed and they may, after what many of them have seen and know, do it very rapidly. If, on the other hand, the large tracts of land set apart for them shall continue to be joint property, the ordinary motive to industry (and the most powerful one) will be wanting. A bare subsistence is as much as they can promise themselves. A few acres of badly cultivated corn about their cabins will be seen instead of extensive fields, rich pastures, and valuable stock. The latter belong to him who is conscious that what he ploughs is his own, and will descend to those he loves; never to the man who does not know by what tenure he holds his miserable dwelling. Laziness and unthrift will be so general as not to be disgraceful; and if the produce of their labour should be thrown into common stock, the indolent and dishonest will subsist at the expense of the meritorious. Besides, there is a strong motive in reference to ourselves for encouraging individual ownership. The history of the world proves that distinct and separate possessions make those who hold them averse to change. The risk of losing the advantages they have, men do not readily encounter. By adopting and acting on the view suggested, a large body will be created whose interest would dispose them to keep things steady. They would be the ballast of the ship.

Plans have at various times been proposed for a confederation of the Indian tribes west of the Mississippi, embracing those who shall hereafter remove. I incline much to doubt the expediency of such a measure. It could only be executed with the consent of the tribes that might become members of it. The Choctaws have twice signified their disinclination to it. The treaty with the Cherokees of December, 1835, discourages it. The idea of such a bond between dependant communities is new. The league could only be for regulation among themselves, and not for mutual protection, which is the usual object of such combinations. They have no common enemy to resist or common interest to advance. Any plan I have seen is based upon the power of the President to reject their articles of association, which exhibits strikingly their true position. They may be likened to colonies, among whom a confederation does not exist. They are governed, and their legislation, by each community for itself, is supervised and controlled, by the parent country. When they unless it take a different attitude than confederate. A general council of the Indians might pass resolutions of a general character, recommend what to establish, and to regulate their intercourse with each other, but this could be done better by Congress, leaving to each tribe the management of its own internal concerns, not interfering with treaties or lands. There are inherent difficulties in the dissimilar conditions of the tribes. Some of them are semi-civilized, others as wild as the game they hunt. Some are rich, others poor. Some number but a few hundred souls, others many thousands. We cannot frame for them, much less would they do it, articles of confederation which would bring into council a just representation of the different tribes. If you allot so many representatives to a tribe, according to its population, the smaller would be swallowed up in the larger. If you limit to a certain number, or within [illegible] between two numbers, you are unjust to the larger tribes, which combinations of the smaller, with fewer motives to rectitude, might control. A small proportion of all might come into the confederation, and these separated from each other by bands who would not join in the arrangement, and would not on any principle be bound by the resolves of the general council. We owe duties to ourselves. Urgent reasons for not giving to these neighboring communities more concentration than they have must be seen. While they are treated with all kindness, tenderness even, and liberality, prudential considerations would seem to require that they should be kept distinct from each other. Let them manage their internal police after their own views. One or more superintendents, and as many agencies as may be deemed proper, with such regulations of their intercourse with each other, and such guards for their protection, as Congress shall think fit to prescribe, would, it appears to me, meet the emergency. Through the officers thus stationed among them, they could make their complaints known, and ask redress for grievances, which would be afforded when it was proper. It is not understood that the deliberations of the councils could result in any act that would be valid, unless approved by the chief magistrate, which does not lessen the force of what has been said.

It would perhaps be invidious not to pay a compliment at some hazard, especially where it would not be appreciated, but to assert directly for general purposes the authority which actually exists, and which must, upon any suggestion that may be adopted, be naturally felt and acknowledged. At some future period, if circumstances should be so changed as to call for a territorial government, or giving other alterations in the system, the United States can, in the guardian position they occupy, make such modification as sound judgment and an anxious desire to benefit the Indians shall dictate.

I have the honor to be, very respectfully, Your most obedient Servant,

T. Hartley Crawford.

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24
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Hon.
J. R. Poinsett,
Secretary of War.
Sir:

War Department,
Office Indian Affairs,
November 27, 1838.

The report of Messrs. S. J. Pease and Wm. L. D. Ewing, commissioners to ascertain the persons entitled to avail themselves of the 2d and 3d clauses of the 2d article of the treaty made with the Sioux of the Mississippi, on the 29 September 1837, has been received.-

The first branch of their duty, was to divide $110,000, among the "relations and friends of the chiefs and braves" this appears to have been performed according to the treaty and instructions.

The second matter requiring their attention was an examination of the just debts of the Sioux, to the liquidation of which $90.000 were appropriated by the said treaty. In regard of this part of the report there appears to be a defect, inasmuch as the Commissioners were requested to obtain the assent of the "chiefs assembled in council," in writing thereto, which is not returned. The Commissioners however report, that the "result was submitted to the chiefs in council, and by them approved - but the proceedings could not be reduced to form, so as to procure the signatures of the Indians to the report. This labor was necessarily reserved to be performed on the way to St. Louis in the boat, and after arriving at the place."

There seems to have been a virtual compliance with the instructions, but to allow any departure appears to be doubtful policy, and it is submitted for your decision. If it is sanctioned in this instance, I would respectfully suggest that there be an express prohibition of its form as a precedent.

I have the honor to be, very respectfully,
Your mo. Obt. Servant.
T. Hartley Crawford.

about 1839 (perhaps.

To the Honorable, the Senate of the U.S.

The undersigned delegation from the Seneca Nation beg leave to remark in reply to Mr. Gillet's observations on their documents.

That the reply of the Commissioner has been interpreted to us and we think we fully understand it. We are not scholars, and therefore can not answer so well as those who have the advantages of learning. For this reason some of the documents already presented to our Father, the President, and to the Senate, have not been so well executed, nor so accurately drawn, as they would have been had we had the aid of scholars in preparing them. But few of our people can read or write, and it often happens that we cannot procure the aid of White men in whom we can confide.

We are sensible of the disadvantages under which we labor in conducting so important a business as the present, but we hope our ignorance and want of experience in such matters will entitle us to leniency, rather than to be made a reason for pressing the Treaty on our Nation and depriving us of our homes and our lands.

Mr. Gillet says that our papers are in error in speaking of several persons as Commissioners. It may be that the number of persons who took part in procuring this Treaty or urging its adoption, has led us to some confusion is speaking of them, but if this be the case, it does not render the facts stated any the less true. Mr. Schermerhorn, was very active in procuring this Treaty. He had been amongus last summer trying to pursuade our people to consent to remove, and took some of our Chiefs away to the West against the will and voice of our Nation. He was at the Buffalo Council when the pretended Treaty was made, spoke several times, and took an active part out of Council to bring about its adoption.

General Potter, Mr. Allen and Judge Stryker, our Agent, also sat in Council and seemed from the active part they took in pursuading the Chiefs to accede to the Treaty to be directly concerned in it. Mr. Trowbridge was also there as Commissioner from Massachusetts. The presence and cooperation of so many persons, is the cause why some confusion has arisen.

Our Remonstrance to the President the Commissioner endeavors to discredit:

The Remonstrance of our Chiefs and Warriors handed to the President; and says that it was "not wholly executed or acknowledge in the presence of the persons whose names appear to it as witnesses." If any of our Chiefs signed it, after the witnesses afixed their names to it, we are in ignorance of it; but we do know that the remonstrance was signed in the Council during the three days that the Treaty was laid on the table for signatures, and that it is no forgery as the Commissioner would seem to insinuate, but speaks the language of the Nation.

That "the same controlling influence" produced both, that and the one before presented to the President, is true, and that "influence" is the unwillingness of our people to part with their lands and leave their homes to seek a new residence.
~~When he has shown what parts are untrue~~

The Commissioner speaks of our "copying the remonstrance and adding largely to it statements known to be untrue." When he has shown what parts are untrue and given any proof of their falsity, we shall endeavor to reply more at large, but until then, it will be sufficient for us to meet the insinuation by a simple statement that we know of nothing in the document that is untrue, or which may not be established by full proof.

His attempt to discredit our statements generally, by the imputation of "fraudulent creation" is equally unsupported, and unfair, and we challange the proof of any act of the kind on our part. No less groundless is his attack on the certificate attached to the Remonstrance. That Certificate was executed at the Council House at Cold Spring by the Chiefs in Council, for the purpose of expressing their opposition to the Treaty, the remonstrance being then at the Buffalo Reservation, so that they could not sign that. The color of the ink in which our name is written seems to be a slender foundation on which to rest his insinuations of its not being genuine. His concluding remark as to the "manner in which such papers are often got up among Indians," if of any force against our documents, must militate no less against his own Treaty, *that* being "a paper got up among Indians" by means little calculated to give it credulity.

Hon.  War Department,
[illegible] J. R. Poinsett,  Office Indian Affairs,
111. Secretary of War.  February 8, 1839.

Sir:

I have the honor to lay before you, for transmission to the Senate, if you think proper, a power of attorney from a Seneca chief, authorizing his assent to be given to the treaty with the New York Indians now before that body, recently presented to this office by the delegation in the city, desirous of the ratification.

Very respectfully &c
T. Hartley Crawford

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113. Hon.  War Department,
112. Joel R. Poinsett,  Office Indian Affairs,
Secretary of War.  February 8, 1839.

Sir:

In relation to the accompanying letter of Col. George W. Ewing, dated January 10. 1839, referred by you to this Office, I have the honor to submit the following report.

The Indians mentioned by Colonel Ewing are supposed to be a portion of what have usually in this Department, been denominated Potawatomies of Indiana, or of the Logansport Agency. It has been understood in this Office that the operations of the last season, under the direction of the Hon. John Tipton, produced the emigration of all those Indians, with the exception of the bands of Chee-chaw-kose, Ash-kum, We-saw or Louisson, Muck-kose and Qui-qui-to, parties to the treaty concluded Feby. 11th 1837 (see compiled Indian Treaties p. 690.)

No efficient measures were taken to remove these Indians, for the reason that according to its terms, they would not be required to emigrate until two years from the date of the ratification of the treaty with them, viz, Feby. 18. 1839

This Office has no authentic data upon which to estimate the number of these bands. It is stated by individuals who profess to have means of information at from 200 to 1000; and it is contemplated that operations will be resumed in the ensuing season for their removal West of the Mississippi.

Very respectfully &c
T. Hartley Crawford

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Very respectfully &c
T. Hartley Crawford

of sub agents— The salaries of the former are $1500 and of the latter $750.

The Osage nation is not among those at which agencies are established and yet it seems to me very important that there should be among them a man of more than usual capacity and firmness. They are wild and intractable, and more than most other tribes in the same region; to soften their habits, and bring them into comfortable modes of living, the services of a more competent agent than $750 dollars a year will secure would contribute largely, if they would not be indispensable. In the report of my predecessor for 1836, I find the following, in which I concur. "The duties of the sub-agent for the Osages, even if the Kansas shall be withdrawn from his charge, will be sufficiently arduous to warrant the substitution of a full agency. This tribe, unlike others in the Western Superintendency, live by the chase; they commit depredations to supply the wants attendant upon this uncertain mode of existence, and hostilities between themselves and other Indians are the consequence. These collisions require constant vigilance on the part of the agent, and impose upon him no ordinary responsibility."

Since the above report was made there has been no favorable change in the conduct of these Indians, and within the last year they have murdered some of our citizens. The militia of Missouri and U. S. dragoons were called out, but no active measures followed.

A treaty is now in a course of negotiation with them, which if consummated will supply them with considerable funds, which to be useful, must be applied with judgment and fidelity. Their number is upwards of [illegible], and they can only be preserved from extinction by being induced to engage in agricultural pursuits and to embark in new and improved modes of life.

Thinking, therefore, that a full agency should be authorized by law among them I recommend that application be made to Congress for that purpose.

Very respectfully &c
T. Hartley Crawford

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57.
55. Hon.
J. R. Poinsett,
Secretary of War.

War Department
Office Indian Affairs,
January 9. 1839

Sir:— In reply to the communication of the Hon.

Mr. Fillmore of the inst., accompanied by a letter to him from Mr. N. T. Harris, under date of 22d ulto., I have the honor to state:-

That the treaty with the New York Indians is still pending, being under the direction of Hon. R. H. Gillet now in the State of New York on that business. By the treaty as originally made and executed, provision is made in its third article, which looks to their removal west, for a physician to accompany each party of emigrants of the New York Indians, "if they desire it." This compact was laid before the Senate of the U. States; that body, by a resolution of the 11th June 1838 struck out several of the articles, and among others the third, and substituted for them, a general provision, by which $400.000 were furnished, "to be applied from time to time, under the direction of the President of the United States in such proportions as may be most for the interest of said Indians, parties to this treaty, for the following purposes, to wit: to aid them in removing to their homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and being taught to cultivate their lands; in erecting mills and the necessary houses; in purchasing domestic animals, and farming utensils, and acquiring a knowledge of mechanic arts."

All the tribes have accepted the treaty so modified but the Senecas, with whom a negotiation is now in progress for their assent.

Should they accept it, the President will determine, to what purposes useful to them, their proportion of the $400.000 is to be applied. If he authorizes the employment of a physician, as originally contemplated, the regulations fix his compensation at $5 per day.

Very respectfully
Your Mo. Obt. Servt.
T. Hartley Crawford

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War Department,
Office Indian Affairs,
January 7. 1839.

28. Hon.
56. J. R. Poinsett,
Secretary of War.
Sir.

There is a large investment of moneys in State Stocks, under the direction of the War Department for the use of Indians, upon which the interest is paid semi-annually, and that for the last six months is now due, amounting to some $40.000.-

When this money is paid it must be received by the disbursing agent of the Office, and kept by him until paid over to the Indians; for if it is paid into the Treasury we cannot get it out on requisition,

(1) 1-14-1839

State of New York }
County of Erie } ss. John Kennedy, one of the Seneca nation residing on the Buffalo Creek Reservation, in the County of Erie and State of New York being duly sworn doth depose and say, that on or about the first of March last at a Council of the Chiefs & Sachems of the Seneca Nation who are opposed to the ratification of the Treaty for the purchase of the lands of the nation lying in the said State of New York, and the removal of the nation to lands beyond the Mississippi this deponent was appointed the agent of that part of the Nation opposed to said Treaty with power and instructions to take such measures for opposing the said Treaty as should be deemed adviseable by this deponent and should have the sanction of the said Chiefs & Sachems; and particularly to carry into effect the plan already agreed upon for that purpose. that as such agent this deponent with the consent of said Chiefs & Sachems retained & employed Mr Charles R Gold of the City of Buffalo, Attorney at Law, to act as the Attorney & Counsel of this deponent and the said Chiefs & Sachems, in preparing & maturing their measures of opposition to the Treaty — that Mr Gold as such Attorney & Counsel attended the Councils of the Nation which were held during the past summer for considering the Treaty, that he drew up various remonstrances against the ratification of the Treaty, which were signed by 68 of the Chiefs & Sachems of the Nation and by those of the Warriors opposed to the Treaty, both those residing on the Buffalo Creek Reservation & those who reside on the Allegheny Cattaraugus & Tonawanda Reservations, respectively (being a large majority of the Nation); That Mr Gold also drew up several Affidavits made by Chiefs of the Nation for the purpose of exposing the means & appliances which had been made use of to obtain their signatures to the Treaty, that among others was the Affidavit of John Snow one of the Chiefs showing the fact that One hundred Dollars in cash had been paid to him by Gen Potter the Agent of the Ogden company, in consideration of his signing the Treaty, all of which remonstrances & affidavits together with many other documents relating to the Treaty were delivered to Mr Gold for safekeeping and preservation until called for, And also the identical One hundred dollars (in bank bills) which Gen. Potter had paid John Snow as aforesaid, which were delivered by Snow

1-14-1839 See Minutes Vol 3 p 52.

with the affidavit as collateral evidence of its truth. And this deponent
further says that among other documents so placed in the hands of Mr
Gold during the Summer past, was a remonstrance against the Ratification
of the Treaty, signed by several prominent citizens of Buffalo and by Genl
Dearborn the Commissioner appointed on the part of the State of Massachusetts
to protect the interests of that State as connected with the proposed remov
of the Seneca Nation. And this deponent further saith that in the
month of December last, this deponent as the Agent of the opposed Chiefs & Sachem
of the Seneca Nation paid to the said Charles R Gold the sum of One
thousand Dollars in bills of the Bank of Buffalo for services already
rendered and hereafter to be rendered by him in opposing the said Treaty
And this deponent further says that by a power of Attorney duly made
& executed by those of the Chiefs & Sachems of the Seneca nation who are
opposed to the said Treaty was placed in the hands of the said Charles
R. Gold to be used as circumstances should require, by which the
said Gold, Israel Jemison, Maris B. Pierce, Seneca White & this depon
were authorised & empowered and delegated as the representatives of the
said Chiefs & Sachems & of the Warriors of the nation opposed to the
to proceed to Washington and appear before the President of the Uni
States, the Senate of the United States, and all other officers of the Gover
Government for the purpose of spreading before them the facts in relati
to the procurement of the Signatures to the Treaty, making known the
dissatisfaction felt by the great majority of the nation with the whole
scheme of removal, and particularly as contemplated by the terms
the Treaty & for taking all proper & lawful measures to prevent its
fication, that on the 3rd day of January 1839 the said Israel Jemi
Maris B. Pierce & Seneca White set out for Washington as such rep
sentatives. that the said Gold was at that time absent on a visit to
Genessee in the County of Livingston and the residence of James Wads
worth Esquire (one of the Ogden Company as this deponent is informed &
believes) that this deponent remained behind to await the return of
the said Gold, receive from him the documents & papers in relatio
to the Treaty & which were to be used in opposing its ratification (which
were to be placed in this deponents hands at the request of the Chiefs
& Sachems & of that part of the delegation who had already departed for
Washington) That after the departure of Jemison, Pierce & White, by the

direction & appointment of the said Chiefs & Sachems, Daniel Two Guns a Chief of the nation, was added to the delegation, & that on his return Mr Gold in compliance with the wishes of the Chiefs & Sachems and of the remainder of the delegation, promised to deliver the aforesaid documents & papers relating to the Treaty to this deponent, to be under the care & control of this deponent and the said Daniel Two Guns until after the delegation should all meet at Washington, that on the evening of the 8th day of January instant, Mr Gold delivered to this deponent in the presence of the said Daniel Two Guns, at the Office of said Gold in the City of Buffalo a carpet bag which appeared to contain papers, and informed us that in that bag were contained the papers & documents mentioned above and the money delivered with the Affidavit of John Snow as mentioned above, but refused to deliver the key of the bag (which was locked) & insisted on retaining that himself. That the said Daniel Two Guns & this deponent went to the Eagle Tavern in said City for the purpose of taking seats in the Stage to leave the next morning for the East, leaving the Carpet bag containing the papers at the Office of said Gold That after taking seats in the Stage the said Daniel Two Guns & this deponent returning to the Office of the said Gold, received a carpet bag which we supposed the same one previously delivered to us, and took it to our lodgings at the Mansion house in the said City. that the next morning the said Gold, Daniel Two Guns & this deponent started for Washington, we having still in our possession the Carpet bag supposed by us to contain our papers, that when arrived at the village of Geneseo aforesaid, it became necessary for us to remain at that place for several hours that while there Mr Gold went out for a short time & returned in company with James Wadsworth Esquire (who is mentioned above who called us out upon the piazza in front of the hotel at which we stopped, & endeavoured to persuade us to return home and abandon our opposition to the Treaty, and offered to pay us such a sum as would perfectly satisfy us for so doing. That Mr Gold stood by & heard the proposition without saying a word for or against the proposition. that neither of us made any reply whatever to Mr Wadsworth, but left him with Mr Gold upon the piazza & returned into the house. that shortly after Mr Gold came in and asked for the Carpet bag which contained the papers saying that he wished to change his vest, and had one in that bag which he wished

(4)

to put on, that this deponent delivered him the bag, and the said Gold taking a small key from his pocket attempted to unlock it, and not succeeding in consequence of the key not fitting the lock, he exclaimed What have you done with the Bag? you have got the wrong bag, you have changed it on the road - you have lost the bag with the papers in it. He then forced open the bag & found nothing in it except some old clothes wrapped up in news papers. He then enquired where we slept the night before we left Buffalo, and being told that we slept at the Mansion house, he inquired what part of the house, and if we saw Dr Wilcox there that evening. We described the part of the house in which we slept, and told him we saw Dr Wilcox in the bar room late in the evening. He then said Dr Wilcox got into your room in the night & took the bag containing the papers & left this one in its place. We replied that such could not be the fact, as we locked the door of the room on the inside on going to bed and left the key in the door, and that in the morning we found every thing undisturbed and the door locked & the key in the door in the same manner as we left it the evening previous. Mr Gold however still persisted that Dr Wilcox must have taken the Carpet bag containing the papers. Mr Gold then endeavored to convince us that we had better go on to Washington without the papers & that we could get along without them, and offered to return himself & try to find them, but we refused to proceed without the papers and declared our intention to return & get the papers made out anew. Mr Gold then said he would wait for us until the next day at 4 o'clock, and if we did not return by that time he would go on to Washington whereupon we left him & returned home.

And this deponent further says that he has no knowledge what has become of the said papers or where they are but this deponent believes that the said Gold has the said papers or knows where they are (unless they have been destroyed by him) and that they were not in the Carpet bag delivered to this deponent by said Gold, and further this deponent saith not.

Sworn & subscribed before me this 11th day of Jany AD. 1839 } John Kennedy

James Smith Commr of Deeds &c for Erie County

State of New York }
County of Erie ss. }
Daniel Two Guns being duly sworn deposes & says, that the foregoing affidavit of John Kennedy has been translated and read to this deponent in the Seneca language, and that the facts stated therein to have taken place in the presence of this deponent.

Copy of
Affidavits of John
Kennedy & Daniel Two Guns

did so take place as therein stated, that the conversation therein alledged to have been had in this deponent's presence was so had & that the said affidavit so far as the same speaks of what was said or done in relation to & in the presence of this deponent, is true of this deponent's own knowledge, and as to the remainder of the said affidavit, this deponent verily believes it to be correct & true.

Sworn & subscribed before me this 14th January A.D. 1839. after the deponent Daniel Two Guns had heard this & the preceding affidavit translated & read to him in the Seneca Language by John Kennedy an Interpreter by me for that purpose duly sworn.

Daniel Two Guns

James Smith
Commissioner of Deeds &c
For Erie County.

be insisted upon on this occasion, it will very much increase the difficulty, if it does not render it impracticable to acquire this land and remove these Indians— objects of so much importance to the United States, especially to the State of Indiana.

Very respectfully &c.
J. R. Poinsett.

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72. Hon.
70. J. R. Poinsett,
Secretary of War.

War Department,
Office Indian Affairs,
January 15, 1839.

Sir:

The report of the Hon. R. H. Gillet, commissioner of the United States, to treat with the New York Indians, to whom was recommitted on 30 October last, the treaty of the 15 January 1838, as amended by the Senate on the 11th of June last, that he might procure a fuller assent of the Seneca tribe to the modifications of the Senate, than had been obtained, is received.

That gentleman reports that he caused "public notice" to be given to the Seneca chiefs that he was present, and authorized to receive the signatures of such of the chiefs as desired to give them, and that the Superintendent of Massachusetts was also present to discharge the duty assigned him by authorities of his state. Ten additional assents have been obtained, two of which are not manifested by the parties appearing and signing in person, but their marks were made by their authorized agents. The reasons given for their not appearing before the Commissioner, and affixing their own signatures to the treaty as modified are, that one of them was absent, and the other prevented from so doing by the acts of the chiefs opposed to the treaty, (which are more fully set out in two affidavits returned, marked No. 1 and No. 2.) The whole ten being added to the number who had previously acceded to the amendments of the Senate, (31.) give an aggregate of 41 chiefs. Another Chief, James Shongo, had signified his assent by affixing his name to a printed copy of the treaty, but for the reasons given in my report to you of 29 October last, it does not seem to me that this assent can be regarded as meeting the views of the Senate.

There are said to be 81 chiefs (3 having been lately added, as successors to as many as had died) in the Seneca tribe, and we have 41 assents. The division is nearly equal without entering into the question of the signatures of two by agents.

With a single exception, the signatures were witnessed by

72.

General Dearborn of Massachusetts, in which, as well as in the integrity and capacity of the Commissioner, we have abundant assurance that the whole business was transacted with entire fairness, and full information on the part of the Indians. That its ratification would be beneficial to the Senecas, is not doubted, and is very clearly established by the address of the chief Pollard to the Commissioner, which is annexed to his report.

I send copies of my communication to you of 29. Oct, of the instructions to Mr Gillet of next day, and of the supplemental instructions to him of 12. November last, and respectfully submit the amended treaty, with the assents and accompanying papers for consideration.

Very respectfully &c.
T. Hartley Crawford

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75
71. Hon.

J. R. Poinsett.
Secretary of War.
Sir:

War Department,
Office Indian Affairs
January 16, 1839.

As required by the 13th Section of the Act of 30. June 1834, entitled "an act to provide for the organization of the Department of Indian Affairs", I have the honor herewith to transmit a statement, in duplicate, containing the names, dates of appointments and pay, of all persons at any time employed in the service of the Indian Department, during the year 1838.

Very Respectfully &c
T. Hartley Crawford

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77. To the
President of the U. States
Sir:

War Department,
January 16, 1839

In obedience to your instructions to prepare so much of the information called for by the resolution of the House of Representatives of the 19th of March last, as could be furnished by this Department, I have the honor to submit, herewith, a report of the Commissioner of Indian Affairs which contains all the information in the possession of the Department "relative to the intermeddling of any foreign government or the subjects or officers thereof with the Indian tribes in Missouri, Wisconsin, the territory beyond the Rocky Mountains or elsewhere within the limits of the proceeds of the half-breed property is secured to them and the Government pay them the income of it, the public duty will have been performed. But no step towards this apparently advantageous end to them, can in my judgment, be taken unless their full and voluntary assent thereto is obtained. It follows that the treaty in its present form is not entitled to the ratification of the President and Senate — but it might be confirmed on the condition that the half-breeds shall give their assent thereto. This, it is supposed, they will readily do, as the provisions appear to be favorable to their future comfort and interests.

If these suggestions are approved, the subject will still be surrounded with difficulty, for it is represented to me, that many of these half-breeds are in their minority — that some have died leaving children or heirs in their infancy, who it is presumed would be entitled to the interest of their ancestor, and that others are incompetent. These persons could give no assent, but as the compact is an advantageous one for the Indians, a resolution by the Senate prescribing the form of consent, by nearest adult relation, or other person who might be supposed to have sufficient regard for their welfare, to do nothing that would prejudice their rights, might, perhaps, meet the case.

Very respectfully
Your mo. obt. Servt.
T. Hartley Crawford.

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85. To the
72. President of the U. States

War Department,
January 19, 1839

Sir:

A treaty was negotiated with the New York Indians by the Hon. R. H. Gillet Commissioner on the part of the United States, on the 15 January and 13 February 1838, which was submitted by you to the Senate, who ratified the same, with certain amendments, on the 11 June last, which that body required to be "fully and fairly explained" to each of the tribes "separately assembled in council", and resolved that the treaty should not be of force, unless they gave "their free and voluntary assent thereto." The report of Mr. Gillet was received on the 29th. day of October last and was satisfactory as to all the tribes, but the Senecas, comprising more than one third of the Indian population in the State of New York. By this body it appeared that a minority of all the chiefs had assented to the modified treaty. It was therefore recommitted to the Commissioner on the 30th. October, that such an assent, as was contemplated by the Senate, might be obtained if the Senecas chose to give it. Of this proceeding since, a report has been received, by which it is shown that there are 81 Seneca chiefs of whom 41 assented to the amended treaty in New York, two signing by authorized agents, and an additional signature was made in this City by the attorney in fact of the Chief Hon-ye-guide, since the papers were placed in this department. This Indian had sent word to the commissioner at Buffalo of his determination to sign the treaty.

The Chiefs are divided into two parties, very nearly equal in numbers. Having been sanctioned by the consent of a majority, it is supposed to be within Executive competency to ratify and promulge the treaty at once.

To this course many inducements might be found in the report of the highly respectable agent of the State of Massachusetts to the Governor of that Commonwealth. He represents that there are eight principal Chiefs or great Sachems of the tribe, of whom six have signed the treaty — that he witnessed every signature but one, and invariably asked each Chief if he understood the treaty and if his act was voluntary, and is decidedly of opinion that their execution of the treaty proceeded from an anxious desire to remove west and to rid themselves of the bad influences which surrounded them in New York. Genl. Dearborn's conviction is that "nearly all the other chiefs would have cheerfully given their assents, were it not for the conduct of certain white men who are interested in the continuance of the title in the several reservations." This testimony is strong, and to it may be added the fact, that no complaint has been heard against the terms of the compact. But as the majority assenting is small, I respectfully recommend that the treaty be again submitted to the Senate for the consideration of that body.

Herewith are transmitted two reports from the Commissioner of Indian Affairs, which explain fully the action of this Department since the adoption of the amendments by the Senate.

Respectfully submitted
J. R. Poinsett.

Adam Doxtater

I George Lindsey a chief of the Seneca Nation of New York Indians residing on the Buffalo Creek reservation. do hereby give and by these presents declare my free & voluntary assent to the treaty made and concluded at Buffalo Creek in the State of New York on the 15th day of January A.D. 1838 by Ransom H Gillett a Commissioner on the part of the United States and the chiefs. Headmen and warriors of the several tribes of New York Indians. as the same was amended on the 11th June 1838 by the resolution of ratification of the Senate of the United States. and to the Seneca Contract or conveyance connected therewith. which said treaty with the amendments. has been submitted and fully and fairly explained to the Seneca Nation in Council assembled. by said Ransom H. Gillet Commissioner as aforesaid — Adam Doxtater —

And whereas I the said George Lindsey having attended the session of said Council and having heard and fully understood the explanations made by said Commissioner. and divers causes having operated to suspend the expression of my assent to said amendments until the present time — I do hereby request and authorise Nathaniel T. Strong a Seneca chief or White Seneca. also a Seneca Chief to sign or cause to be signed my name to the written assent presented for signatures in September last by said R. H. Gillet to the Seneca Nation assembled in Council on the Buffalo Creek reservation. and to annex this my assent and power to said written assent. and the papers accompanying the same — And whatsoever shall be done by them. or either of them for me. and in my name in the premises. shall be valid and Effectual as my act and deed. and assent as aforesaid —

Given under my hand & seal. at Buffalo. this 31 twenty first day of January. in the year 1839

In the presence of

Form of Aſsent

25th CONGRESS, [CONFIDENTIAL D.] 3d *Session.*

Ayer
19-232

# MESSAGE

FROM

# THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A treaty, as amended by the Senate, and negotiated with the New York Indians.*

---

JANUARY 22, 1839.

Read, and, with the treaty and documents, ordered to be referred to the Committee on Indian Affairs, and printed, in confidence, for the use of the Senate.

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*To the Senate of the United States:*

I transmit a treaty negotiated with the New York Indians, which was submitted to your body in June last, and amended.

The amendments have, in pursuance of the requirement of the Senate, been submitted to each of the tribes assembled in council, for their free and voluntary assent or dissent thereto. In respect to all the tribes, except the Senecas, the result of this application has been entirely satisfactory. It will be seen, by the accompanying papers, that of this tribe, the most important of those concerned, the assent of only forty-two out of eighty-one chiefs has been obtained. I deem it advisable, under these circumstances, to submit the treaty in its modified form to the Senate, for its advice in regard to the sufficiency of the assent of the Senecas to the amendments proposed.

M. VAN BUREN.

WASHINGTON, *January* 21, 1839.

Blair & Rives, printers.

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## No. 2.

War Department, *January* 19, 1839.

Sir: A treaty was negotiated with the New York Indians, by the honorable R. H. Gillet, commissioner on the part of the United States, on the 15th January, and 13th February, 1838, which was submitted by you to the Senate, who ratified the same, with certain amendments, on the 11th June last, which that body required to be "fully and fairly explained" to each of the tribes "separately assembled in council," and resolved that the treaty should not be of force, unless they gave "their free and voluntary assent thereto." The report of Mr. Gillet was received on the 29th day of October last, and was satisfactory as to all the tribes but the Senecas, comprising more than one-third of the Indian population in the State of New York. Of this body it appeared that a minority of *all* the chiefs had assented to the modified treaty. It was therefore re-committed to the commissioner on the 30th October, that such an assent as was contemplated by the Senate might be obtained if the Senecas chose to give it. Of his proceedings since a report has been received, by which it is shown that there are eighty-one Seneca chiefs, of whom forty-one assented to the amended treaty in New York, two signing by authorized agents, and an additional signature was made in this city by the attorneys in fact of the chief Ken-ju-quide, since the papers were placed in this department. This Indian had sent word to the commissioner at Buffalo, of his determination to sign the treaty.

The chiefs are divided into two parties, very nearly equal in number. Having been sanctioned by the consent of a majority, it is supposed to be within executive competency to ratify and promulge the treaty at once.

To this course many inducements might be found in the report of the highly respectable agent of the State of Massachusetts, to the Governor of that Commonwealth. He represents that there are eight principal chiefs, or great sachems of the tribe, of whom six have signed the treaty; that he witnessed every signature but one, and invariably asked each chief if he understood the treaty, and if his act was voluntary, and is decidedly of opinion that their execution of the treaty proceeded from an anxious desire to remove west, and to rid themselves of the bad influences which surround them in New York. General Dearborn's conviction is, that "nearly all the other chiefs would have cheerfully given their assents, were it not for the conduct of certain white men who are interested in the continuance of the tribe on their several reservations." This testimony is strong, and to it may be added the fact, that no complaint has been heard against the terms of the compact. But as the majority assenting is small, I respectfully recommend that the treaty be again submitted to the Senate for the consideration of that body.

Herewith are transmitted two reports from the Commissioner of Indian Affairs, which explain fully the action of this department since the adoption of the amendments by the Senate.

Respectfully submitted,
J. R. POINSETT.

To the President *of the United States.*

## No. 3.

War Department,
*Office Indian Affairs, October* 29, 1838.

Sir: The commissioner on the part of the United States, Hon. R. H. Gillet, appointed to submit to the several tribes of New York Indians the conditional ratification of the treaty of 15th January and 13th February, 1838, and the amendments proposed thereto by the Senate of the United States, on the 11th June last, for their assent to the same, has this day made his report. I have carefully examined it, compared the treaty as originally negotiated, and amendments prescribed, with the modified one now returned, and submit the following remarks.

It was a part of the resolution of the Senate which thereby gave an additional sanction to a public duty, that the treaty amendments should be "fully and fairly explained" to each of the tribes, "separately assembled in council." This duty, and every other enjoined upon him, the commissioner appears to have performed with ability, and in a spirit of great candor and integrity.

The only difficulty in the way of regarding the acts of the Indians as meeting the resolution of the Senate, that appears to me insuperable, concerns the assent reported to have been given by the Senecas. There are in this band seventy-eight chiefs. The assent of sixteen was obtained in council, of thirteen at the room of the commissioner, and of two others at their own quarters, making thirty-one, and since the arrival of Mr. Gillet in Washington, he has received the written assents of five more, properly authenticated, making an aggregate of thirty six. The commissioner reports that not more than sixty one chiefs attended the council at one time, and that thirty-six is more than one-half of the number of chiefs that probably gave their attendance in council at all the meetings; two of the chiefs, it is said, hold a questionable authority, and two have removed from the country. Is this an assent of the tribe by the chiefs? The authority of the band resides in *all* the chiefs, and although uniformity in their views can scarcely be expected, at least a majority of the chiefs, not of those who appeared in council, but of all upon the reservation, it strikes me, should consent, to constitute the "free and voluntary assent" *of the tribe*. Deduct the two who, it is represented, exercise a doubtful authority, and the two who have removed, and seventy-four chiefs of the Senecas remain, of whom, including the five whose assents were not attached to the modified treaty, but transmitted by mail, and we have thirty-six only. The last five, in my opinion, cannot be reckoned, but I have not noted more particularly the defective manner of their assenting, because it was, in the view taken, unimportant. Perhaps, too, it was intended by the Senate that they should consent in council. Mr. Gillet states in his report that a printed copy of the treaty and amendments was handed him, to which was affixed the signatures of thirty-five chiefs and one hundred and seventeen warriors, declaring their assent thereto. This writing is dated six days before the assent in council was obtained, preceded, as I presume, the full explanations of the commissioner, and although witnessed by James Stryker, United States sub-agent, and H. P. Wilcox, and no doubt fairly obtained, for it embraces the names affixed to the assent prepared by Mr. Gillet, and four additional ones, can scarcely, it seems to me, be considered as within the intent of the Senate. If, however, you should think differently, the four chiefs added to the whole number first mentioned would give forty assenting chiefs out of seventy-eight. Even if the legal right was as clear the one way as it appears to be the other, would it be expedient to act upon it? The Senecas are evidently divided into two very nearly equal parties, the one for and the other against the treaty, splitting on the subject of emigration, which is much to be regretted. Their own true interest and the liberal views of the Government they do not comprehend, and however desirable it is that they should leave New York, which would be the probable but not the necessary consequence of the ratification of the treaty,[*] one half of them appear to be otherwise determined for the present. The report and accompanying papers show that much excitement prevails among them on the subject, and makes it too certain that but for bad advice they would accede to the proposed terms, which perhaps a renewed application might find them willing to do. For this last purpose the door is still open, as the council was adjourned to the 15th of November next.

The 10th article of the amended treaty concerns the Senecas.

The 11th article relates to the Cayugas. It provides for them a home in the west—$2,000 to be paid on their arrival at their proposed residence, and $2,500 in stocks on their removal; of which they are to receive the interest. The assent does not appear to be signed by a majority of those concerned; but the remnant of this tribe own no land; they are beneficiaries of the Senecas; and the stipulation in the treaty being exclusively for their advantage, without any equivalent or return whatever to the United States, it is thought it might be ratified. Their removal will be entirely voluntary, and they yield nothing.

The same remarks apply to the Onondagas on the Seneca reservation, for whom provision is made by article 12.

The Oneidas of New York are embraced in the 13th article, which stipulates that $4,000 shall be paid to Baptiste Powlis and the chief of the first Christian party, residing at Oneida; and $2,000 to William Day and the chief of the Orchard party, residing there. By his instructions, the commissioner was authorized to apportion the said sums among the Oneidas who signed the treaty, if they consented to it as amended. After the assent was fully given, the chiefs of the parties to whom the money is to be paid proposed an apportionment thereof; to which, there being no dissent, Mr. Gillet agreed, and it was made, and is returned. To this I do not see any objection.

The amended treaty was not submitted to the Oneidas at Green Bay, although they signed the original one made at Buffalo Creek. The resolution of the Senate might be thought, in spirit, to embrace them; but the instructions to the commissioner dispensed with any application to them. and, I think, rightly. A treaty was concluded at Washington on the 3d of February, and ratified by the Senate on the 17th of May, 1838, with the first Christian and Orchard parties of the Oneida Indians, residing at Green Bay, superseding the 19th article of the original treaty of Buffalo Creek, which the Senate struck out for that reason, leaving to those parties no interest or participation in the amended treaty.

Various requests have been preferred by different tribes to be permitted to explore the country west of the Mississippi, with a view to their removal, which it is unnecessary to speak of now.

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[*] The treaty provides for their removal in five years, but Ogden & Fellows agreed to give life-leases to such as chose to remain. (See *Report of Commissioner, and engagement of Ogden & Fellows.*)

A question has been raised about the efficacy of the sale, by the Senecas, to Ogden & Fellows, assignees of the State of Massachusetts, in the event of the treaty failing, as to that tribe. It is an important inquiry, but as the United States have no further interest in it than results from the desire to benefit the venders, and willingness, for that purpose, to become the trustees of the purchase money, it need not be discussed.

The resolution of the Senate provides, that if one or more of the tribes assent to the treaty as amended, "and to their contract as connected therewith, (the Tuscaroras, who sold to Ogden & Fellows 1,920 acres of land, for $9,600, to be paid to themselves, have assented,) it shall be binding and obligatory upon those so assenting, although other or others of said bands or tribes may not give their assent, and thereby cease to be parties thereto."

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. R. Poinsett,
*Secretary of War.*

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### No. 4.

War Department,
*Office Indian Affairs, January* 15, 1839.

Sir: The report of the honorable R. H. Gillet, commissioner of the United States to treat with the New York Indians, to whom was recommitted, on 30th October last, the treaty of the 15th January, 1838, as amended by the Senate on the 11th June last, that he might procure a fuller assent of the Seneca tribe to the modifications of the Senate than had been obtained, is received.

That gentleman reports that he caused "public notice" to be given to the Seneca chiefs that he was present, and authorized to receive the signatures of such of the chiefs as desired to give them; and that the superintendent of Massachusetts was also present, to discharge the duty assigned him by the authorities of his State. Ten additional assents have been obtained, two of which are not manifested by the parties appearing and signing in person, but their marks were made by their authorized agents. The reasons given for their not appearing before the commissioner, and affixing their own signatures to the treaty as modified, are, that one of them was absent, and the other prevented from so doing by the acts of the chiefs opposed to the treaty, (which are more fully set out in two affidavits returned, marked No. 1 and No. 2.) The whole ten being added to the number who had previously acceded to the amendments of the Senate, (31,) gives an aggregate of forty-one chiefs. Another chief, James Shongo, had signified his assent by affixing his name to a printed copy of the treaty; but for the reasons given in my report to you of the 29th October last, it does not seem to me that this assent can be regarded as meeting the views of the Senate.

There are said to be 81 chiefs (three having been lately added, as successors to as many who had died) in the Seneca tribe, and we have forty-one assents. The division is nearly equal, without entering into the question of the signatures of two by agents.

With a single exception, the signatures were witnessed by General Dearborn, of Massachusetts, in which, as well as in the integrity and capacity of the commissioner, we have abundant assurance that the whole business was transacted with entire fairness, and full information on the part of the Indians. That its ratification would be beneficial to the Senecas is not doubted, and is very clearly established, by the address of the chief, Pollard, to the commissioner, which is annexed to his report.

I send copies of my communication to you of the 29th October, of the instructions to Mr. Gillet of next day, and of the supplemental instructions to him of the 12th November last, and respectfully submit the amended treaty, with the assents and accompanying papers, for consideration.

Very respectfully, your most obedient servant,
T. HARTLEY CRAWFORD.

Hon. J. R. Poinsett,
*Secretary of War.*

Since the above report was made, an additional signature has been obtained to the treaty as amended, viz: Kenjuquide, by his attorneys, N. T. Strong and White Seneca, to whom authority was given for this purpose by letter of attorney, filed 18th January, 1839.

T. H. C.

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## No. 5.

War Department,
*Office Indian Affairs, October* 30, 1838.

Sir: Your report and the treaty with the New York Indians, assented to as amended in the Senate of the United States, have been submitted to the Secretary of War. He is of opinion that the consent of a majority of *all* the Seneca chiefs must be obtained, but that, as you have heretofore met the requirement of the Senate, by full explanations to them in council, you may proceed to the Seneca reservation, and there obtain the assent of such Indians as have not heretofore given it.

You are accordingly authorized and requested, at your earliest convenience, to proceed to the Seneca reservation in New York, and to carry out the above views. Your service among these people qualifies you fully for the discharge of this duty, and gives assurance of its fair, honest, and capable performance.

Very respectfully, your most obedient servant,
T. HARTLEY CRAWFORD.

Hon. R. H. Gillet, *now at Washington.*

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## No. 6.

War Department,
*Office Indian Affairs, November* 12, 1838.

Sir: A letter received this morning from Mr. N. T. Strong, states that he had met General Dearborn, of Massachusetts, the agent of that Commonwealth, on his way to attend the adjourned meeting of the Seneca council on the 15th instant, and expressing the wish that you might be authorized to convene the Indians.

The instructions given you when here, it seems to me, would justify your assemblage of the Senecas, should you deem it necessary; but, to remove any doubt, I am directed by the Secretary of War to say that, if General Dearborn desires it, you are authorized, at your discretion, to hold such council.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

General R. H. GILLET.

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## No. 7.

WASHINGTON, *October* 25, 1838.

SIR: In pursuance of the instructions from your bureau to me, under date of July 9, 1838, I have submitted to the several tribes of New York Indians the treaty concluded at Buffalo Creek on the 15th day of January last, together with the amendments proposed by the Senate of the United States, in its resolution of ratification of the 11th of June last. I now hand you a copy of the amended treaty, with the assent of the several tribes in writing. At the time of making the submission, I fully and fairly explained the treaty and amendments to each tribe assembled in public council, according to the letter and spirit of the resolution of the Senate. I have now the honor to report to you the result of my labors with each of the several tribes.

### *Oneidas in New York.*

On the 9th of August last, I met this tribe in full council on their reservation in the State of New York, and communicated to them the talk addressed to the New York Indians from your office, and made such explanations as were necessary to enable them fully to understand every thing relative to the matter under consideration. Learning from them, before going into council, that under the laws of New York they had a resident attorney near them, I invited him to attend and hear my explanations, and to be a witness to all my proceedings. He complied with my request, and expressed his entire concurrence in all that I did. Some of the tribe expressed their fears that they might be compelled to remove, even without selling their land to the State, and desired some evidence from me that such would not be the construction of the papers. On consulting with Timothy Jenkins, Esq. their local State agent, I drew up and gave them an assurance to that effect, a copy of which I hand you, marked No. 1. On receiving this, a large number signed the written assent, which is attached to the manuscript copy of the treaty. The assent is far more numerously signed than the treaty itself was, and embraces the names of prominent men of each of the parties into which this tribe is subdivided. In my judgment it is sufficiently signed, and ought to receive your approbation. By the treaty, the sum of four thousand dollars is to be paid to Baptiste Powlis, and the chiefs of the first Christian party, residing at Oneida, and the sum of two thousand dollars to William Day, and the chiefs of the Orchard party, residing there, for expenses incurred and services rendered in securing the Green Bay country, and the settlement of a portion thereof. I was authorized by my instructions, that if "the Oneidas, who signed the treaty at Buffalo, should give their assent to it as amended, to apportion the sums of $4,000 and $6,000 [$2,000] therein stipulated to be paid to them respectively, upon which apportionment the payment will hereafter be made." After the assent was fully signed, the chiefs of the parties, to whom this money is to be paid, proposed an apportionment, to which I gave my consent, no one objecting. A duplicate of this apportionment I hand you, marked No. 2.

### *Oneidas at Green Bay.*

This portion of the tribe signed the treaty at Buffalo Creek, and were parties to it. The letter of the Senate's resolution appeared to me to require that the treaty and amendments should be submitted to this tribe; but another treaty having been made with them, and ratified by the Senate, I thought it proper to ask special instruction from your bureau, as to the propriety of the submission. My letter of the 16th of August last contains my views of this subject; and the letter from your office, of the 22d of that month, contains the instructions by which I was governed. These letters are, of course, to be found in your office. In consequence of the instructions received, I did not make the submission to this tribe.

By reference to a letter from a portion of the tribe at Green Bay, marked No. 6, you will see that they are desirous of settling west of the Mississippi, and uniting with the other New York Indians. I do not believe they will ever be contented until they go there to reside. The Green Bay country is not so well adapted to their wants, as the new one set apart for them. It is also very natural for all the New York Indians to seek to be united again, and re-establish their former high reputation.

### *The Tuscaroras.*

On the 14th of August last, I met the Tuscaroras, assembled in full council, at the church on their reservation, and made to them the explanations required by my instructions from your office. At first, I found a hesitancy among the Indians about acting. As the chiefs of this tribe were last winter unanimous in favor of emigration, I could not account for this difficulty. At length I ascertained that it grew out of threats communicated to them from the Pagan party of the Senecas residing at Tonawanda, the substance of which were, that if they signed their assent, they must expect to die either before or after they reached the new country west. This was construed to mean that the Senecas would murder them. I appealed to their national character, as elevating them above being governed in their actions by the fear of any body, and begged them not to suffer disgrace by yielding to the threats of those who could not convince them by their arguments. After a few moments' private discussion, they informed me they were agreed, and desired me to produce the assent, they being ready to sign it. Every sachem and chief present signed it. A duplicate assent attached to the printed copy of the treaty was also signed, which I hand you, marked No. 7.

A portion of the Tuscarora reservation (1,920 acres) was formerly owned by the Commonwealth of Massachusetts; and in parting with her interest, she reserved the right to be represented whenever any sales were made of these lands. Governor Everett had commissioned General H. A.S. Dearborn to attend the Tuscorara and Seneca councils, in conformity with these reserved rights. Owing to my not having met him at Niagara falls, as I expected, he was not present at the council. On meeting him on the next day, I deemed it due to him to offer to return to the Tuscorara reservation, and call upon such sachems and chiefs as were at home, and thus give him an ample opportunity to learn that all had been properly conducted with them. He accepted my proposition, and we visited such sachems and chiefs as were at home. They all informed him the business had been fairly and properly conducted, and that they were quite satisfied with what had been done on the preceding day. On leaving the reservation, General Dearborn expressed himself satisfied that the proceedings with the Tuscaroras had been fair and proper.

On the 3d of October instant, General Dearborn and I again visited the Tuscaroras. They had partially made an arrangement with Messrs. Ogden & Fellows to give them possession of a portion of their reservation, at a period earlier than that named in the treaty, and to receive immediately a portion of the purchase money for their lands. The Tuscaroras, as well as the purchasers, desired us to be present and see that their business was properly transacted; but, owing to a difference of opinion among the chiefs, the arrangement was not consummated.

During this interview, all the sachems and chiefs present expressed a strong desire to receive from the Government, as early as practicable, the three thousand dollars provided in the special provisions of the treaty for them. The principal uses to which they wish to apply the money, when received, are to pay individual and national debts, which they say ought to be paid before they remove, and to make preparations for removal. I have no doubt of the sincerity of these allegations. At my suggestion, they signed a petition to Congress, asking that body to allow them to receive their money at an early day. The original petition I placed in the hands of the honorable James B. Spencer, of New York, to be presented at the next session. A copy of this paper, and of the approval of General Dearborn and myself, is marked No. 3.

By reference to the treaty, you will learn that this tribe has conveyed to the United States, to be held in trust for their own use, five thousand acres of land, lying in Niagara county, New York. It is further provided, that this tract shall be surveyed, and the improvements of each individual appraised, before sale by the Government. The sachems and chiefs desired me to say to you, that it would promote their interest to have this survey and appraisal made at an early day. You will see by the treaty, that the expense of it falls ultimately upon the nation. They further expressed their strong desire to be present by their delegates, when their new country shall be surveyed. These requests appear to me to be reasonable and proper, and I therefore recommend that they be complied with.

### *Onondagas residing on the Seneca reservations.*

On the 22d of September last, I caused a notice from the sub-agent to be served on the Onondagas residing on the Seneca reservations, requesting them to meet in council to receive a communication from me. A copy of this notice is marked No. 4. To those who attended, I presented the subject of the treaty and amendments, and fully explained them. A reference to the assent, attached to the treaty, will show that three persons signed it. This is a majority of all who attended, pursuant to the notice. Some of the absentees, I have reason to believe, are in favor of the assent. By reference to the treaty you will see that the Government is providing homes for these people, at the west, whenever they choose to go there and occupy them, also furnishing them with means to provide for their wants on their arrival there; that they are not to be compelled to remove, and that the Government takes nothing from them in any shape. As to these Indians, the real question is, shall the Government be bound by its own offers to them? The sanctioning the assent, is deciding that the Government alone shall be bound, because there is no binding obligation on the other side. Unless homes are provided for them by this arrangement, they must be without them, whenever the Senecas surrender up their reservations; because they do not own a foot of land, and are tenants at sufferance where they now reside. Though not numerously signed, I recommend that you approve the assent, as to this tribe.

### *The Cayugas.*

This tribe is reduced in numbers to one hundred and thirty souls. They reside, as tenants at will, on the Seneca reservations, and do not own any land. Their condition is substantially the same as the Onondagas who reside there, and the provisions for them in the treaty are in substance the same. The like consequences would follow from a disapproval of their assent. On the 22d of September last, a notice was served on them, a copy of which is marked No. 5. When they convened, I explained to them the business I had in charge. They informed me their minds were the same as they were last winter when they signed the treaty, but owing to the absence of some whom they desired to have present, no definite action then took place on that day. On the adjourned day, but few assembled. The written assent will show that the warriors have signed it. Some of the chiefs who wished to sign, were prevented from so doing by sickness. As the condition and interests of this tribe are the same as the Onondagas residing on the Seneca reservations, I recommend that you approve and sanction this assent.

### *Onondagas at Onondaga.*

This portion of the Onondaga tribe was not present at the council at Buffalo Creek last winter, and consequently were not parties to the treaty. Lands were, however, provided for them in it, at the west, should they subsequently assent to the treaty. I was informed that various misrepresentations had been made to them concerning the treaty, and that unless they were corrected, it would result in their sending a delegation to Washington to make inquiries on the subject. I deemed it proper to convene them in council, and make the necessary explanations, and relieve them from their fears. This I did on the 17th instant. My explanations had the effect which I contemplated. Several expressed their desire to explore the new country at the west, saying if it answered my description of it, many young men would remove there. This tribe was not represented in the exploring party sent out in 1837. I think it proper they should be permitted to see the country for themselves, and incline to the opinion that it would lead to their eventual removal to that country.

### *American party of the St. Regis.*

On the 9th of October instant, I convened this tribe in council on their reservation in the State of New York. At first I found there were secret obstacles which prevented them from acting. After considerable delay, I found out the cause of the difficulty. It had its origin in a letter which they had received from Oneida, giving a very unfavorable account of the country set apart for them at the west. That letter was said to have described it as destitute of timber and water, and exceedingly unhealthy; that the cholera and small pox were common diseases there; that there were innumerable poisonous snakes and reptiles in all parts of the country; also that the climate was so intensely hot, as to render it impossible for them to work out of doors for half of the year. I refuted these statements with such means as I had within my power. In the end, every grown up Indian of the party signed the assent.

Many of this tribe desire to remove west, but, owing to the frightful stories told of the country, dare not do so, until it has been explored by some of their own people. They say they do not understand why they were not invited, as well as the other nations in New York, to send delegates in 1837. They think it a matter of right to be permitted to see the country before they sell where they now are and agree to remove west. I was requested to ask you to authorize a delegation to visit the new country the coming year, that they might see the country, and be present at the laying it off. I see nothing improper in this request. After the frightful stories told them by interested persons, I do not believe they will ever emigrate until they have seen the new country at the west.

I did not exercise the discretionary power conferred on me by my instructions, of distributing the four thousand dollars provided for this tribe, dependant upon certain contingencies. I thought it ought not to be exercised until they make a definite arrangement for removal from the State of New York.

The six silver medals sent me for distribution in this tribe, were delivered in open council to such persons as the headmen selected to receive them. The effect of such tokens from our Government will prove very beneficial, and in case of border difficulties, these people will prove our faithful friends. Our Government stands so high in the nation, that many of the British are seeking to join the American party.

### *The Senecas.*

Experience having taught me the difficulties resulting from the operations of whites attendant upon any negotiation with this tribe, it was with much reluctance that I made up my mind to undertake the duty of submiting to them the treaty as amended by the Senate. But my experience had left me much to learn. It would extend this report to an unreasonable length to give you a full account of all the obstacles which presented themselves during the negotiation at the late council. I shall give only a portion, from which you can form some idea of the whole. I met this tribe on the 17th of August, in a council house which I had caused to be erected on the reservation, and, as very many were absent, at their request I adjourned until the 20th. On returning to the council ground, I found my council house had been destroyed by fire, the undoubted work of an incendiary. I soon caused a new one to be erected, and proceeded with the business which I had in charge, and fully and fairly explained the treaty and amendments. That I did so, I refer you to a letter from M. B. Pierce, now an opponent of emigration, which is on file in your office. At the first meeting, I saw there were very many white men present, whose actions and conversations indicated to me that they had purposes of their own to subserve. The Indians as well as white men all concur in the opinion that the nation must become extinct before many years, unless they emigrate to the west. It seems to be the general expectation that they must ere long remove, and all admit that it is best to do so. Still the nation is divided on the question of emigration. There is large and highly respectable and intelligent portion who are the unwavering friends of emigration, while another considerable portion appear to be its inflexible opponents. Several of this portion admit that the apprehension of the loss of political power in the tribe controls their action. There is a third class who do not appear to have sufficient independence of mind and character to be described as belonging to and acting with either party; and while the current of their feelings seems to be with the emigration party, they are often restrained from action by the threats and compulsion of the opposite party. This class very naturally received the special attention of those who were really opposed to the treaty, as well as of those who had objects of their own in view in pretending to be opposed, or in assuming to have great power and influence in the tribe. This was the condition of the tribe at the opening of the council.

It will be recollected, that at the time of making the original treaty, providing new homes for these Indians at the west, and the means of removing and subsisting them, that another treaty was signed between this tribe and the pre-emption owners, under the supervision of a superintendent from Massachusetts, conveying the Indian rights to their several reservations in New York. That treaty of sale was ratified by the Governor and council of Massachusetts. At the late council, it was the sale under this treaty, and not the advantages secured under the one negotiated by me, that formed the principal subject of consideration. The Government treaty was generally conceded to be liberal and advantageous; still there appeared to be a settled purpose on the part of some to misrepresent the value of the advantages secured under it, as one means of defeating the other. It is impossible for me to ascertain any considerable portion of the untruths told the Indians by their white advisers. Their usual method of communicating with them was in private and secret councils. On several occasions, and, indeed, almost every day, white men assembled the Indians in the council house after I had adjourned the council, and harrangued them on the subject of the business before them. The written statements of S. Chamberlin and Charles R. Allen, marked No. 8 and No. 9, of what they heard on two occasions, may be taken as specimens. The affidavits of William T. Miller and Charles H. Allen, of what they heard at a private council, show something of what occurred on such occasions. The sayings and objects of some of these men are described in the affidavits of

Joseph White, Orlando Allen, Charles H. Allen, Milton W. Bull, and William H. Jones, marked Nos. 12, 13, 14, 15, and 16, and in the written statements of H. Jones and H. Addington, marked Nos. 17 and 18. What such men would do and say when there were no persons by to see or hear, can only be imagined. The probable reason why Reuben B. Heacock took the part he did, may be found in a paper signed by George B. Green and others, marked No. 19. My first introduction to him is particularly described in a letter from George W. Clinton, Esq., marked No. 47.

On one occasion, in council, a chief charged me with having been present when he was offered a bribe. The falsity of this is proved by the affidavits of O. Allen and C. F. Pierce, marked Nos. 20 and 21. Why he did so, and who was the author of this base attempt, is shown in the affidavit of O. Allen, marked No. 13.

It is known to me that these white men held at least one private council nearly every day, with as many Indians as would attend upon their solicitation, during nearly the whole period of the council. It is also true, that individuals, and some of them claiming prominence at home, attended from other counties, to throw obstacles in the way of the treaty, until they should be "satisfied." I know one man who came from the State of Michigan for that purpose. Letters, or pretended letters, were read in and out of council, as having been sent by "eminent Senators," denouncing me individually as disobeying my instructions, and threatening me with "impeachment before the Senate." These letters generally purported to be addressed to Indians. I was not permitted to see any of them, except in one instance. I saw one from Senator Robbins, of Rhode Island, which is referred to in a former communication to your office. Others, purporting to emanate from him, and of a very violent character, were read in council, but I was denied a sight of them. Letters were written to public journals, to affect public opinion; a specimen of which is marked No. 22, the underscored words being the only true ones in it.

On one occasion, during the sitting of the council, Reuben B. Heacock, before referred to, came into council and claimed that it was a free country; that he had the right to talk in council, expressing his intention to expose the frauds that the Government were about to perpetrate, through me as their agent. I informed him that I had erected the council house and invited the Indian chiefs of the Seneca nation to come into it to see me on public business, and, except those chiefs, the representatives of Massachusetts, and myself, no one could talk in there; that if one man had the right it must be open to all, and the whole of western New York might claim and exercise the privilege of speech-making, and there would be no such thing as transacting business. He, however, persisted in talking, and I remarked to the sheriff, who was present, that Heacock was a disturber of the peace, and he must take him out of the house. Heacock called upon the Indian warriors to protect him and resist the sheriff, but they did not stir. After parleying some time with the sheriff, he walked out of the council house. The Indian agent also said something about his going out. For this act, he prosecuted us both, for assault and battery and false imprisonment, in the Supreme Court, where a suit is still pending. Before ordering him out of the house I consulted with General Dearborn and others present, all of whom expressed it as their opinion that I ought to cause him to be turned out. This was my opinion of what was proper on the occasion. Whether I misjudged as to what was my duty, remains to be decided by the State tribunals in New York. How my conduct was viewed on this and all other occasions, during the council, by the superintendent of Massachusetts, and respectable citizens residing in the western part of New York, who were occasionally at the council, I beg to refer you to my letter, marked No. 23, and his answer, with their concurrence, in writing, marked No. 24, and to his report to Governor Everett, marked No. 25. General D. is a man of high character and personally known to you. His statements clearly and fully refute all the allegations which have emanated from those acting in opposition to the treaty.

The foregoing statement, and the papers referred to, will show some of the difficulties that I had to contend with at the council; but your knowledge of Indian business will readily suggest to your mind that others most likely existed, concerning which I could receive no accurate and definite information. At an early period of the council, Maris B. Pierce, then an opponent of the treaty, in public council proposed to me the following questions:

1. If the amendments of the treaty were not now assented to, whether I could adjourn the council; and whether, if not adjourned, it could be again convened?

2. Whether the Senate could recede from its amendments?

I was also asked, at about the same time, by others in council, whether the deed to the pre-emptive purchasers, being ratified by the Governor and Council of Massachusetts, was obligatory upon the nation without further action on the part of the nation? Also, whether the Senate of the United States had any legal jurisdiction over the subject?

These were important legal questions which were of vast consequence to the Indians. The third, which relates to their title, is a legal question of no ordinary magnitude, involving the interests of both the Indians and pre-emptive purchasers, and any mistaken opinion given by me might lead to fatal consequences. I took time for consultation and reflection upon all, and declined, in the end, expressing any opinion of my own concerning the title. The postscript to the letter from your office, under date of July 30, 1838, contains the only suggestions with which I have been furnished. From that, I inferred that the Indian bureau was of opinion that the Senecas had parted with their title. Before I had answered any of these questions Mr. Ward, of the Indian bureau, in passing through Buffalo, came out to see me. Believing his experience in the Indian bureau had enabled him to form opinions more to be relied upon than my own, I addressed to him a letter proposing the questions which had been asked of me, which I hand you, marked No. 26. His answer, marked No. 27, I also hand you. I read this letter to the council and the postscript above referred to, as answers to the questions propounded.

Learning from General Dearborn that Governor Everett had expressed a different opinion concerning the title, I informed the council of it, and he gave the Governor's reasons for his opinions. The Indians were then left to form their own conclusions on the question of title and the probable action of the Senate. I informed them that, if the interests of the Indians required it, I believed I had the right, and should exercise it, of adjourning the council to some future day.

On the 22d of September, Captain Strong, one of the oldest and most respectable of the Seneca chiefs, handed me a communication signed by himself and others, which I hand you, marked No. 28, accompanied by a printed copy of the treaty and amendments, marked No. 29, to which was attached the written assent of thirty-five chiefs and more than a hundred warriors. In this communication they assert that there are but seventy-eight chiefs now living in the nation, and that not to exceed sixty had at any one time attended council. They claimed that this assent was sufficient to bind the nation, and that I ought to receive it as such. I informed them that I did not wish to decide the question whether it was sufficient or not, but that I would report it, with the facts, for your consideration. The chiefs who made the communication to me, are men of high character and above deception, and the statements they have made are entitled to credit. I concluded if this paper was sufficient, the subsequent signing in presence of myself and General Dearborn could not lessen its effect, and I therefore informed them I should present a written assent in council in conformity with the calculations I had originally made.

Learning from the discussions in council, that many desired to remain longer than five years on their reservations, I induced the agent of the pre-emptive owners, on the 26th of September last, to autherize me in writing, to say to the council that he would, on behalf of the pre-emptive purchasers, agree to allow them to occupy their farming lands ten, instead of five years. His proposition is marked No. 30. This offer did not, as was anticipated, produce unanimity of feeling. Some said it was their desire to remain for their lives; but, that they were willing others might remove if they chose to do so. In connexion with General Dearborn, I requested the agent to offer life leases, free of rent, to all who chose to remain. His offer to do so is marked No. 31. Without consulting with a single individual, a chief in the opposition, by the name of Israel Jemison, rose and stated, that he was authorized to say that the opposition *unanimously* declined the proposition. Knowing that no one had authorized him to speak on a subject, but that moment named in council, I did not consider his statement entitled to any respect. No one of the opposition rising to set him right in such a case of palpable falsehood, I become satisfied of the truth of the allegation so often made, that many *dare* not speak their minds in council, and that compulsion was used to prevent chiefs from signing. The affidavits of Tall Peter and White Seneca, marked No. 32 and No. 33, state cases in point. I do not doubt the existence of many similar cases of fear and compulsion. The reasons of Jemison's opposition are contained in a letter addressed to me by Samuel Gordon, a highly respectable and educated chief, which is marked No. 46.

Immediately after communicating and explaining the offer of life leases to all who desired them, I presented the manuscript copy of the amended treaty, to which I had attached a written assent. I informed the council that those who chose to do so could sign it there, and those who from fear or other cause preferred signing at my room in presence of myself, the superintendent from Massachusetts, the agent, and such other persons as might be present, might do so. I then received sixteen signatures, and subsequently at my room, in presence of Gen. Dearborn, thirteen, and two other signatures at the rooms of chiefs who were too unwell to attend council, making in all thirty-one chiefs. These were all by persons who fully understood the subject, and were freely and voluntarily given. Four of the signatures taken at my room, were by written powers of attorney, all from persons generally known as friends of emigration, and who signed the treaty last winter. Three of them are properly proved before a judge of the Erie court of common pleas, and one was executed in my presence before I presented the assent. I have no doubt each of them was fairly obtained. John Tall Chief, whose power I witnessed, informed me and the superintendent, when he gave the power, that his life was in danger, and he dare not sign in council, or be seen by the opposition at my room; that he was in favor of the treaty and amendments, and that I must let him sign by power of attorney. He further stated, that he must sign whatever the opposition desired him to, that he dare not refuse, that it was all false to say that threats were not used to prevent chiefs from signing: he and others were threatened. I fully believe this account, and have not one particle of doubt that if left free to act, a very large majority of the nation would freely and voluntarily sign the treaty and assent. If white men had kept away, I believe this would have been done soon after opening the council. The powers of attorney are numbered 34, 35, 36, and 37. The right to use such powers of attorney was never questioned in council, but always conceded in practice.

On the second day of October, I informed the agent of the pre-emptive purchasers that I should, on that day, adjourn the council, as there seemed to be no more disposed to sign the assent. A question having been raised whether the assent had been sufficiently signed, or not, he desired me to adjourn to a future day, and that in the mean time I could report to you. I desired him to make his communication in writing, which he did; it is marked No. 38. On reflection, I deemed it proper to adjourn the council to a future day, and it not being objected to, I named the 15th of November next. On adjourning the council, I read to them a talk which is marked No. 39. The Indians who are opposed to emigration did not object to this adjournment, and, in making it, I did what I thought due to them and to the purchasers. If the assent is not sufficiently signed, it may be done at a future day, and the emigration party, who have listened to the advice of the Government, may be saved from the oppression which would otherwise await them. If there were not signatures sufficient to meet your approbation, and it should turn out that the legal title is in the purchasers, then the condition of the Senecas would be deplorable. They would be without a home, though one had been freely offered to them. It appeared to me that the door to future action ought to remain clearly open. If the assent was sufficiently signed, the adjournment could do no injury. If I have mistaken my duty in this respect, the mistake is easily rectified, by not allowing the council again to be opened.

The question then occurs, is there evidence of a sufficient assent? I suppose it to be my duty to give you the facts, and that is your province to decide. Those who signed the assent I personally knew. Few of those opposed ever came to see me, and, consequently, I did not personally know them. In council, chiefs and warriors, and persons of other tribes, all sat promiscuously together. Personally I could not tell how many chiefs attended council. At an early period I requested the Government agent to count them frequently, so as to be able to inform me the number in attendance. Before the close of the council, I addressed him a note on this subject, a copy of which is attached, marked No. 40, and his reply is marked No. 41. It will be seen that he states there are but 78 chiefs living; the chieftainship of two of these has been questioned; and that not to exceed *sixty-one* have attended council at any one time. The affidavit of S. H. Cone shows that two of the Tonawonda chiefs, Back Chief and Samuel Parker, went out of the country before the council was called.

The question then arises, is it necessary to have the names of a majority of all the chiefs on the reservation? If so, it was not sufficiently signed in my presence. If not, need it be more than a majority of all who, at any one time, attended the council? This is what is usually required in legislative bodies, and, reasoning from analogy, the assent is sufficiently signed. If it requires a majority of all who, from time to time, may have been, for short periods, at council, it is not in my power to give you the necessary facts whereon to decide. This, I believe, gives you all the facts in my power necessary to a correct understanding of the case as it stood when I left the reservation. Since I commenced this report, I have received, by mail, the written assent of five persons known to me to be recognised by the nation as chiefs. They all signed the treaty last winter. These appear to have been proved and acknowledged before Hezekiah Salisbury, a commissioner of deeds in the county of Erie, in the State of New York. He is certified to be duly commissioned as such officer by the clerk of that county. The persons who have subscribed their names as witnesses are known to me to be respectable. I have no doubt these assents were fairly given. Added to those taken in my presence, they make thirty-six in all, and are probably a majority of the whole number who attended during the council. I observe in each of these papers is incorporated a power to you and to me to add their respective names to the assent which I now hand you. Whether these powers should be exercised or not, you can best judge.

During the sitting of the council, the Senecas requested of me to know whether they could be permitted to be present when their tract at the west should be run off, to see for themselves that there was sufficient timber land set apart for them. I was not authorized to give them any assurance on the subject. My opinion was that they ought to be present. The correspondence is marked No. 44 and No. 45. I was requested to ask of you to make, at as early a day as practicable, the necessary arrangements for the appriasal of the Seneca improvements, so that those who chose to do so could immediately arrange for their departure west. The expense of this appraisal is to be borne by the pre-emptive owners.

It was the original understanding between Governor Cass and the Indians and pre-emptive owners, that the latter should bear a reasonable proportion of the expense of the negotiation with the Senecas and Tuscororas. The appropriation to meet the expenses of submitting the amendments to the New York Indians has been exhausted. I therefore recommend, if any further action is necessary in relation to the Senecas, that these purchasers be required to defray all the expenses which may be incurred.

In the foregoing statement, I have stated every thing which I suppose at all material to a right understanding of the whole matter, including all the facts which either the friends or opponents of emigration could desire to have communicated to you. Should any further statement be necessary, or required by either party, I shall at all times be ready to make it. From what I heard prior to leaving the council ground, I had expected to have met here a series of charges concerning the manner in which I had discharged my official duty, emanating from those who oppose the treaty. So much time having elapsed since the adjournment of the treaty, and no such charges having yet been made, I think it quite probable the intention to make them has been abandoned, and that the opponents of emigration and their white advisers have given up all further opposition. But I do not know that this is so. You have the evidences of the manner in which I have discharged my duty, and shall at all times be ready to meet any accusations which may be made. I claim, in every instance, to have acted honestly and conscientiously, though I am not vain enough to suppose that, in so complicated a business, I may not often have mistaken my duty.

Your obedient servant,

R. H. GILLET.

To the COMMISSIONER *of Indian Affairs*.

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## No. 8.

WASHINGTON, *January* 11, 1839.

SIR: I have the honor, herewith, to hand you a copy of the treaty of January 15, 1838, with the New York Indians, as amended by the resolution of the Senate of the United States on the 11th June last, together with the assents obtained to those amendments. You have heretofore received a full report of all that transpired prior to your instructions of the 30th of October last. On the receipt of those instructions I repaired to Buffalo, New York, for the purpose of carrying them into effect. On my arrival there I was joined by General H. A. S. Dearborn, the superintendent appointed by the Governor of Massachusetts, who continued with me until the close of my visit there. He was present, and witnessed every signature to the assent, except one, which was taken while he was confined to his room by indisposition. Soon after my arrival at Buffalo, I directed the United States sub-agent resident there to give public notice to the Seneca chiefs that I was present, and authorized to receive the signatures of such of their chiefs as desired to give them, and that the superintendent from Massachusetts was also present to discharge the duty assigned him by the authorities of his State. After this notice, ten additional names were received to the Seneca assent, making in all forty-one. Seven of this ten had previously signed separate assents, containing powers of attorney to execute such further papers as might be necessary to give validity to their assents. These papers were all proved and acknowledged according to the usual forms under the laws of New York. Five of this number personally came before me and signed the assent attached to the treaty. The other two signed by attorney. The reasons why they did not appear and sign in person are stated in two affidavits, which I hand you, marked No. 1 and No. 2. From the character of the affidavits, and information verbally communicated to me by several respectable chiefs, I have no doubt that these affidavits are strictly true.

According to the statement of the Hon. James Stryker, sub-agent of the New York Indians, dated March 29, 1838, and now in your office, and the further statement of the seven Seneca delegates who were then here, there were, at that time, in all, eighty-one Seneca chiefs. To this communication of Judge Stryker is added a schedule containing the names of all the chiefs. Subsequently three of these chiefs, to wit: Gorge White, Captain Jones, and Captain Jack Snow, died, as appears by two affidavits of persons known to me to be respectable, marked No. 3. Their places have been filled by Charles Greybeard, John Hutchinson, and Charles F. Pierce, as appears by three communications which I hand you, marked No. 4, No. 5, and No. 6. From the high character of the principal chiefs whose names are signed to the first two of these papers, I place implicit confidence in their statements, and I have no reason to doubt that they have truly stated the facts relative to the official character of these men. To these forty-one names may be added that of James Shongo, who signed the assent attached to the printed copy of the treaty now in your possession, making, in all, forty-two names, being a majority of three. Without the name of James Shongo, there is a majority of one.

In every instance where a signature was received, either General Dearborn or I distinctly inquired of the person offering to sign whether he fully understood the subject, and whether he freely and voluntarily signed the assent. In each case a distinct affirmative answer was given.

I visited such places on the reservations as I was desired to by any of the chiefs. Eight of the signatures were received at my lodgings in Buffalo, one at my former lodgings on the Buffalo Creek reservation, and one at the residence of the sub-agent.

This, in connexion with my former report, constitutes all the facts known to me which are relevant and at all important to a right understanding of this subject. They will enable you to pass upon all the points which I think can properly grow out of it. I take the liberty of suggesting that, in considering the subject, it may be proper to advert to a communication of James S. Wadsworth, Esq., to me, now on file in your office, in which he distinctly offers life leases to all who desire them. This, in effect, so far as the purchasers are concerned, changes the character of the transaction, and makes the arrangement substantially one with the emigration party alone. All removals under it will be voluntary, and all who desire to spend their days on the lands now occupied by them can do so. The rising generation, however, would not be embraced in the provisions of that proposition, and would have to seek homes in their new country. I have not that communication before me, and, consequently, speak from memory. If I am in error as to its contents, you can, by reference to it, correct me. How much importance should be attached to this consideration, you can best determine.

Prior to leaving Buffalo, I received a message from the venerable Captain Pollard, who was confined to his bed by an excruciating disease, desiring me to come and see him. The character of this man is described by Colonel Stone, the biographer of Joseph Brant, in a letter published in the December number of the Democratic Review. For bravery in war, wisdom in council, and honesty and integrity in all the transactions of life, Captain Pollard has no superior among the New York Indians, and probably not in the tribes on the continent. I give you this description of him because he desired me to communicate to you the talk which he made me when I visited him, which I did a day or two before I left, in company with the United States interpreter, Mr. N. T. Strong, a Seneca chief. I found him unable to leave his bed, but his mind seemed to be as lucid and vigorous as ever. I have reduced his communication, as far as memory will permit, to writing, and attach it to this report. It is due to him to say, that his speech has lost much of its force and attractiveness in being translated and spread upon paper. I will only add, that his reasons carried conviction to my mind, which further reflection has not effaced.

While on the Buffalo Creek reservation, a Cayuga chief, who was confined to his house by sickness, desired permission to place his name to the Cayuga assent, which I had with me. I permitted him to do so, and the name of James Young, the head chief of the Cayuga nation, will be found to that paper in his own handwriting. I understood another Cayuga chief wished to add his name, also, but I did not see him, and, consequently, he had no opportunity to do so.

While at Buffalo, General Dearborn showed me a letter from Governor Everett, relative to the mode in which I had been instructed to perform my official duty, and desired me to give him my views on the points which had been raised. You have doubtless received a copy of the Governor's letter. Although my letter to General Dearborn was not official, still I think you ought to know its contents, and, therefore, I hand a copy of it to you. It is marked No. 7.

All of which is respectfully submitted.

Your obedient servant,
R. H. GILLET.

Hon. T. Hartley Crawford,
*Commissioner of Indian Affairs.*

*The substance of a talk delivered to Ransom H. Gillet, United States Commissioner, by Captain Pollard, head chief of the Seneca nation, on the 26th of December,* 1838.

My friend:

Knowing you are about to leave our people and return to your family, I sent for you, to speak a few words before you go. You are young, and full of vigor and health, but I am old and helpless. Time and disease have deprived me of activity and health, and left me a feeble, tottering wreck. You now see me on a sick bed, from which I am unable to rise, and you will probably see me no more. From this couch I expect to pass to the cold, lifeless house of death. For a long life I have performed the duties of a fearless warrior and an honest man. My whole thoughts are upon my people and their future destiny. My last prayer is for their happiness and perpetuity as a nation. I could not rest without seeing you, and, through you, speaking to my great father concerning them. He is good and loves them, and will listen to what I have to say.

At the time of the first war between your people and the King of England, I was a young warrior, and followed the councils of our chiefs. They were guided by bad men, and the consequences are to be lamented. All the Six Nations, except the Oneidas and Tuscaroras, were on the side of the British king, who lived beyond the salt water. They raised the tomahawk upon the colonies when they were feeble, and destroyed many of your people. I remember well being at Wyoming, when we followed the advice of those who were governed by vile passions. I was in the battles opposing General Sullivan, when he entered New York from Pennsylvania, and marched to Genesee. In the valley of the Mohawk, and at Cherry valley, and other places, our people inflicted severe blows upon your people. For these causes our villages and fields were laid waste and destroyed, and we lost our country by the fortune of war. We were then at the mercy of your people, and had no homes but such as you would give us. Captain Brant went to England after the close of the war, and on his return I learned that he had secured a country for himself and the Mohawks in Canada. The other nations, who had taken up arms in in favor of the king, were left to seek clemency and homes at the hands of their conquerors. Cornplanter and Farmer's Brother were sent to negotiate with the United States. They made a treaty which you will understand. Although we were permitted to reside on a certain tract mentioned in the treaty, we were told that the right of soil belonged to others. This I have always believed. Our wise men have always believed it. We have long known Massachusetts, and those claiming under her, had rights to our land. This has made me uneasy and unhappy. We have repeatedly admitted this Massachusetts right, and sold parts of our reservations to those settling it up. Last winter, when Doctor Trowbridge was superintendent on the part of Massachusetts, we parted with our right of possession to this residue of our reservations, and unless the Government approves of the amended treaty, as assented to by us, our children will be without homes. If the purchasers should not hold the lands, still we shall be restless and unhappy, knowing that our rights are not as perfect as those of white men. While others are claiming our lands, we shall not improve and cultivate them with a light and cheerful heart. If our lands are not sold, we have no guaranty that our chiefs may not sell them at any day. This uncertainty in our condition depresses us, and destroys our industry. We shall never be contented and happy until we have permanent homes and separate property, like the white man. To this effect our great father, President Monroe, advised us. Experience proves that his advice was good. We need homes that our chiefs cannot sell, such homes as are provided in the treaty.

We listened to the advice of our father, the President, when he advised us we would better our condition and perpetuate our nation by removing to the west. We have resolved to go west and settle, where our homes will be our own, and where we shall be beyond the example and advice of bad men, who advise us for their own interest. They love their own interest better than they love us, and they have tried to prevent our agreeing to the amendments to our treaty. A majority of the Seneca chiefs have now signed the assent. That is sufficient. All has been done consistent with our Indian customs, which we understand better than white men. Those who obey bad advisers, will try to mislead the President by objections which are not good. We who have followed the advice of the Government, might raise many objections against them and their conduct. We could raise many good objections against them. Our proceedings will bear scrutiny better than theirs. The question is, will the Government now do what is promised in the treaty? What will become of us, if no new homes are given us? Whether it gives them or not, does not affect our arrangement with the pre-emptive purchasers. That stands by itself. The other New York Indians have secured new homes, and shall we not have them also? If the President rejects our doings, what will be our fate? We shall suffer for having listened to his advice. Those who have scorned to adopt his counsel, will place their feet upon our necks, and grind us into the earth. We shall suffer for taking his advice, and those who spurned it will be our oppressors, because we were in favor of emigration. Those who have refused to listen to his admonitions, have done so not because they were not good, but because they are deceived by false hearted white men. All admit we must remove soon, or become extinct as a nation. No one says our treaty is not a good one. The sooner we go to our new homes the sooner we shall be happy. If we remain where we are, we shall soon disappear like those who once resided east of the Hudson river. As the treaty now stands, those who wish to stay behind can do so, and live on the lands they now occupy as long as they live. This is what those who opposed emigration last year desired. I have heard they stated so in their papers at Washington. As it now stands, they cannot be oppressed under the treaty. I am old, and do not expect to see the new country set apart for my nation, but those who succeed me will go there and be happy. There they can raise horses and cattle almost without labor, and the ground is easily cultivated, and produces abundantly. Here our people are poor. Our valuable timber is mostly gone, and we have but few fields. They are small and yield us but little. We must emigrate, or we shall never be prosperous and happy. It would be too great a penalty upon us, if we have committed any error in our proceedings, to destroy them all, and ruin us forever. Let our great father guide us as we do our children, and we shall pursue the right path which leads to happiness. I wish you to tell the President what I have said, and that none but bad men, and those who are mislead, disobey his wishes. Deceptions and threats deter many from doing and saying what their hearts dictate. I have nearly done. I could not rest in my bed until I had said so much. I could say many things more on this subject, but cannot now. My limbs refuse to support me, my body is weak, and my eyes are dim with age. I shall soon account to the Great Spirit for what I do and say. He knows whether I speak truth. He penetrates the motives of us all.

You are going to your home, and I do not expect to see you again. My sun is almost set, and darkness will soon be upon me. But your sun is at its meridian. May it long shine, and lead you on in happiness and prosperity. Such is the prayer of Pollard. Farewell.

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## No. 9.

LEWISTON, *October*, 1838.

SIR: In conformity to your instructions, I left Boston on the 2d of August to attend the councils which were to be held with the Seneca and Tuscarora tribes of Indians on their respective reservations, in the State of New York, for obtaining their assent to the amendments which were made by the Senate to a treaty which was concluded with them on the 15th of January last, for their removal to the Indian territory beyond the Mississippi, as well as to the contracts for the sale of their lands, connected therewith.

On my way to Buffalo, I met the Hon. R. H. Gillet, the commissioner of the United States, at Canandaigua, and informed him that, as the contracts for the sale of the right of possession of the tracts of land on which the various bands of the Senecas and Tuscaroras resided to the Ogden Company, which represented the grantees of the pre-emption right that was sold by Massachusetts to Robert Morris, of Philadelphia, on the 11th of May, 1791, were executed simultaneously with the treaty for the emigration of those Indian nations to the district of country which had been assigned them in the west, and their validity being dependant on the full ratification of that treaty, the Governor and Council of the Commonwealth of Massachusetts considered it both proper and important that a superintendent of that State should attend the councils, in conformity to the provisions of the articles of agreement, entered into at Hartford, in Connecticut, between Massachusetts and New York, on the 16th of December, 1786, and that I had been appointed to perform that duty. The commissioner replied, that although he did not consider the contracts as so connected with the treaty as to render the presence of a superintendent from Massachusetts necessary, as the former had been already approved, still there was no objection to my attending the councils; and that he should be very happy to afford me all the facilities in his power, to enable me to discharge the duties of my mission.

The council of the Senecas was opened on the 17th of August, at Buffalo Creek, and continued to 2d instant. After the commissioner of the United States had explained the object for which the council had been convened, which occupied several days, I addressed the chiefs and stated the reasons why I had been appointed to attend, A sketch of the speech was transmitted to you on the 20th of August.

Among the numerous and very cogent reasons which were urged by the commissioner, for inducing the Indians to assent to the amended treaty, during the progress of the long protracted deliberations, he observed that he had been directed, by the officer at the head of the bureau of the Indian Department, to state, as his opinion, that the contract of the Indians, for the sale of their right of possession to the Ogden Company, was complete and might be carried into effect, whether the treaty with the United States was ratified or not.

As this was the only statement made by the commissioner in which I did not fully concur, I informed the chiefs it became my duty to announce to them that the Governor of Massachusetts entertained a different view of the subject; and was authorized to state, that unless the amendments made to the treaty were assented to, he considered the contracts, for the sale of their right of possession, null and void; but that he did not undertake, peremptorily, to decide a question of such great importance; that it was one which required the most grave and deliberate consideration, and must ultimately be referred to the highest judicial tribunals of the country, if it should be insisted on by the pre-emptioners.

It was, therefore, for the chiefs to determine how far their decision was to be influenced by the doubtful position in which the subject was placed, from these conflicting opinions; for if they should reject the treaty, and the contracts for the sale of their reservations were declared binding, they would be left without a home.

So numerous were the subjects of discussion, and so difficult was it to make all the assembled chiefs fully comprehend them, and the various geographical, financial, and statistical details, which it was necessary to present, for a clear and comprehensive view of the whole field of inquiry, that it was impossible to bring the council to a close before.

I was often appealed to by the chiefs, to answer questions or make explanations, during the tedious progress of the deliberations; and, on such occasions, it was my anxious endeavor to comply with their requests, so far as it was in my power to do so, and in such a manner as to induce the belief, that I was determined to act with independence and with impartiality, as well as with a sincere disposition to promote their welfare, without undertaking to advise them as to the decision they should make in relation to the important matter which claimed their serious attention, and involved their future destinies.

The treaty was submitted in open council for ratification on the 28th of

September, a copy of which is enclosed and marked A. The commissioner informed the chiefs, previous to the presentation of the treaty for signatures, that the mode in which the assent was to be ascertained, was that which had been uniformly adopted in all the negotiations hitherto concluded with the Indian nations, and consisted in the names of such of the chiefs as approved the amendments that had been [made] by the Senate, to the original treaty, being affixed thereto; and that such as might not be present in consequence of indisposition, and who wished to give their assent, he should wait upon them at their houses, to enable them to do so; and if there were others, who, from any cause, preferred signing the treaty at their lodgings, they should be allowed that privilege, in the presence of the superintendent of Massachusetts and the Indian agent, that it might be satisfactorily ascertained the act was free and voluntary, on the part of each chief who thus gave his assent.

The commissioner was induced to afford the last named accommodation, in consequence of having been informed that there were several chiefs who were in favor of emigration, but were afraid to sign the treaty publicly, as they had been threatened with fatal consequences if they did. Intimidation has been extensively used by the leaders and their partisans in the opposition, for the purpose of defeating the wishes of those who are desirous of removing to the west. The commissioner was informed by the chiefs of the Tuscaroras, that threats had been sent to them from the Tonawanda reservation, to deter them from ratifying the treaty.

It had been repeatedly represented, during the last council and the present, that there were a number of Indians, and especially among the aged, who were desirous to remain here, and who often observed: "let the young go to the new country, beyond the great river, if they wish, but we are too old to begin new establishments; we had rather live and die where we have so long resided, on the land of our fathers." To obviate this objection to the ratification of the treaty, the commissioner recommended to the preemptioners that they should offer to give leases for life free of rent to such Indians as were anxious to remain, and I concurred in opinion as to the propriety of that measure, believing that it would not only be just towards the Indians, but considered as beneficent, magnanimous, and liberal on their part, let the result be what it may; that I considered it important it should be done in open council, and made general in its operation, to preclude every ground of complaint or misrepresentation.

The pre-emptive agents having been finally induced to adopt that measure, a communication was made to the commissioner, for carrying it into effect, which he laid before the assembled chiefs immediately after he had concluded his remarks on the method in which the assent was to be given to the treaty.

One of the chiefs, in behalf of those in the opposition, then rose and stated, that they did not desire to avail themselves of the offer which had just been made by the pre-emptive owners; and observed that they wished the council might be kept open, after those had signed the treaty who were present, as they desired to execute, in the presence of the commissioner of the United States and superintendent of Massachusetts, a written declaration of their dissent. The commissioner replied that he was not authorized to authenticate any document other than such as he had been specially directed to submit for their consideration, and therefore could not with propriety keep the council open for the purpose which had been stated.

I was then reminded by another chief of the opposition party, that I had informed them on the opening of the council, although I was not instructed to advise them either to remain where they were or to emigrate to the Indian Territory in the west, I had been sent there by the Governor of Massachusetts, to see that impartial justice was done to the Seneca nation of Indians, and that I had observed on another occasion, I should not be deterred by the flash of the tomahawk or the crack of the rifle in the independent and honest discharge of my duty; and as I should be a witness to such of the chiefs as were in favor of emigration, who signed the treaty, "*my head would not be strait*" unless I also verified their proceedings; and then asked me if I would remain for that purpose.

I answered that I considered it my duty to comply with all proper requests, from any portion of the Seneca Indians, so far as it was in my power to do so; that I should, with great pleasure, remain and witness the signatures to the declaration which it was proposed to execute, after the commissioner of the United States retired from the council house.

As many of the emigration chiefs were absent, only sixteen names were affixed to the treaty, in council, on the 28th ultimo; and immediately after the adjournment the written declaration of the chiefs opposed to emigration was produced and signed in my presence.

A copy is enclosed, and marked B.

When this business was concluded, one of the chiefs rose, and observed that he had been directed by the chiefs then present to assure me that the impartial and faithful manner in which I had discharged the very responsible duties imposed upon me by their great father the Governor of Massachusetts was duly appreciated by them, and fully approved; that they now tendered their sincere thanks for the special service I had just rendered, and for which they should ever feel grateful.

I replied, that I was happy to learn I had so conducted as to meet the approbation of the chiefs who were in favor of remaining on their reservations; and hoped that all the Senecas, as well as every other person who had been present during the whole period of the deliberations in which we had been engaged, would do me the justice of believing that I had no other object in view than to advance, as far as my humble means would enable me so to do, the best interests of the Indians; that whether they concluded to end their days here, or go elsewhere, they would have my ardent wishes for their happiness and prosperity; and that my fervent prayers would be ever offered up in their behalf, to that Great Spirit who watched over the destinies of the Indian as well as the white man, and that he would guide and uphold them in the path of rectitude, and that they would at all times conduct in such a manner as should be honorable to themselves and the human race.

The council was kept open until the 2d, for the purpose of receiving the signatures to the treaty, and you will perceive there are the names of only thirty-one chiefs affixed to it; the whole number being at least —.

It is difficult to ascertain what is the actual number of chiefs who are authorized to act as such in council, as is apparent from the letters of the Indian agent and the commissioner, of the 30th of January, 27th of February, and 21st of March, 1838, which are published in the confidential documents of the Senate, No. 10.

I requested Judge Stryker, the Indian agent, to furnish me with a list of the chiefs which he considered the most correct, and also to state how many of the number who signed the declaration of dissent were not chiefs, according the best information which he could obtain. This he did, and [they] are enclosed, marked C and D.

The commissioner informed the chiefs in council that he should not undertake to decide how many constituted a majority, but that he should transmit the treaty, with a report, to the Commissioner of Indian Affairs; and that it was for the President to determine whether it was signed by a sufficient number or not to render the ratification complete and binding on the Seneca nation.

It being doubtful, however. in the opinion of the commissioner, whether a majority of the chiefs, who really were such, had signed the treaty, and it being evident that, under existing adverse circumstances, there could not be a fair and unbiassed expression of the actual wishes of the Indians, while it was so very important to them that such a favorable opportunity of improving their condition should not be irretrievably lost, he concluded to adjourn the council to the 15th of November next; and if, in the mean time, this artificial excitement and unnatural hostility should not have abated, it may be postponed to a later period. But it must depend on the decision of the President what ulterior measures it may be deemed expedient to adopt.

The commissioner has furnished me with another copy of the treaty, as assented to by a number of chiefs and warriors, in the manner represented in the communication which accompanies it; and also copies of several affidavits in relation to subjects connected with the negotiation, which he considers it proper should be included among the papers that accompany my report, as illustrative of the measures which have been adopted by a portion of the Indians and certain white men, to prevent some of the chiefs from acting independently. They are marked E, F, G, H, I, K, L, M.

I left the Buffalo Creek reservation on the afternoon of the 2d day of October, in company with the commissioner and Strong, the interpreter, and reached Lewiston the 3d instant, to meet the chiefs of the Tuscarora tribe of Indians, by appointment, for the purpose of concluding a contract in relation to the sale of the timber lands on their reservations, as reported to you some weeks since.

On our arrival at Lewiston we met at the Frontier house, by appointment, Cusick, Chew, Mount Pleasant, and Samuel Jacobs, four chiefs of the Tuscarora nation of Indians, who stated that when my letter to the former was received, yesterday afternoon, by the express which had been sent from the Buffalo Creek reservation, several of the chiefs and warriors were absent on business at Lockport and other places; it therefore had not been possible to assemble a sufficient number of both to hold a council at that time, which would be authorized to execute the contract with the Ogden Company, as had been agreed upon. I informed them that it had not been in our power to give intelligence of the period when we would adjourn the council on Buffalo Creek and hold one with their nation, until late in the forenoon of the 1st, at which time a special messenger was despatched to apprize them of our intentions to meet them at the time and place where we then were; and it was much to be regretted that the object of our visit had been defeated. The commissioner of the United States then observed, that, as the sale of their right of possession to the timber land included in the reservation was not desired by the pre emptioners, and the purchase only consented to, merely to secure an advance of money to be made at their earnest request, for the purpose of enabling their tribe to pay off certain debts, and defray the expense of an exploring party, which it was proposed to send early next spring to the territory assigned them by the United States in the west, he had no doubt that, on a petition being presented, Congress would authorize the sum of $3,000, stipulated in the treaty, to be paid when the Indians reached their new home, to be advanced during the winter, which would answer their purpose as well as the arrangement which had been agreed upon with the Ogden Company.

The chiefs replied, that such a mode of obtaining the amount of money requested would be much more satisfactory to the nation than the one which had been contemplated, and they should be glad to adopt it if it was certain Congress would confer upon them such a favor. We assured them that it was our decided opinion there could be no doubt of a favorable result, when the commissioner was desired to draw up a petition for that purpose, which was done and signed in our presence; and we added thereto a recommendation that the request should be granted. A copy of the petition marked —— is enclosed.

Not having been present when the treaty with the United States was submitted by the commissioner, for the resons stated in my letter of the 15th and 16th of August, I deemed it proper to ask the assembled chiefs if they were entirely satisfied with the agreement for the sale of their land, and with the amended treaty, which they had ratified, for their removal to the Indian territory west of the Mississippi, and they answered in the affirmative, and at the same time remarked, that they were astonished the Senecas had not thankfully and gladly agreed to the amendments; for all the white persons in their vicinity had informed them they wished that the Government would make them as liberal a grant, or they would become members of the Tuscarora tribe, that they might participate in its good fortune.

In previous conversations, I have represented the deplorable condition of the Seneca Indians and the reasons why I have come to the conclusion, that the only chance for their reformation and continued existence as a distinct people is an immediate emigration to the mild climate and excellent tract of land offered them by the National Government; and I am perfectly satisfied, were it not for the unremitted and disingenuous exertions of a certain number of white men, who are actuated by their private interests, to induce the chiefs not to assent to the treaty, it would immediately have been approved by an immense majority.

Not an objection or complaint has been made, by a single Indian, during the whole progress of the council, as to the price obtained for their right of possession; and I have not seen an individual, other than the persons above named, who does not think the offer of the Government a most generous and favorable one for the Indians; and who does not concur in the opinion that it is not only for their individual and national interests to remove, but that their fate will, inevitably, be disastrous—that they will be overwhelmed with poverty and misery, and soon become extinct, from their idle, intemperate, and other vicious habits, if they do not abandon their present position.

The same liberal terms which have been offered to these Indians, if extended to any county in New England, would nearly depopulate it in six months.

The conduct of the Hon. Ransom H. Gillet, the commissioner of the

United States, during the whole session of the council, has been such as to merit the confidence which had been reposed in him by the General Government, and to meet my entire approbation, from the unwearied pains he has taken to fully, fairly, and clearly explain the provisions of the treaty, and present the character of the soil and climate, and the advantages which the Indians would derive from accepting the territory which is offered them beyond the Mississippi. He appeared to be solely actuated by an earnest desire to advance their interest, and induce them to comprehend the beneficent objects of the Government, in making such a munificent provision for the advancement of their present and future comfort, independence, happiness, and prosperity.

Mr. Ogden, Mr. Fellows, and Mr. Wadsworth, the representatives of the pre emptioners, who were present during a portion of the time, their agents, and Judge Stryker, the United States agent, have all afforded me every facility for an agreeable and thorough discharge of my duties, to which I have unremittedly devoted my time, and studiously endeavored to become perfectly acquainted with all the facts and principles which were involved in the discussions, with the single purpose of so conducting as should fulfil all the conditions of my appointment, and answer the object for which I had been honored, as well as to meet the wishes and expectations of your excellency.

With sentiments of the highest respect, I have the honor to be your most obedient servant,

H. A. S. DEARBORN.

His excellency Edward Everett.

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## No. 10.

Roxbury, *January* 2, 1839.

Sir: I arrived from Buffalo last evening. As I was determined to set out for Boston the moment I had so far recovered from the fever, by which I had been confined for two weeks, as to be able to ride, I consulted the physician who attended me, and he rather doubtingly expressed an opinion that I might do so on the 27th ultimo, provided I took a close carriage, and rode not more than sixty or seventy miles during the first two days. Having apprised the commissioner of the United States of my anxious desire and resolve to depart, he concluded to close the negotiations; but on the morning we had made arrangements to commence our journey, two chiefs, by the names of Monk Charles and Conjackaty, of the Buffalo reservation, sent information that they had determined to sign the treaty, and would come in, during the afternoon, to do so. I informed the commissioner that I had been directed by your excellency to be at my post as early at least as the day on which the Legislature would be convened, and that I should not be able to do so unless I left that morning, and therefore could not remain another day. He, however, concluded to wait; but as the chiefs did not appear, he left on the 28th, and joined me in the evening at Avon, and accompanied me as far as Syracuse, where he took the stage route to Ogdensburgh, his place of residence. He informed me that he should proceed on to Washington in a few days after he reached home, to report the result of the negotiations.

In addition to those chiefs who signed their names to the treaty, as amended by the Senate, at the council on Buffalo creek, which was adjourned on the 2d of October last, ten others have given their assent; and it is for the National Government to decide whether the number who have approved of the treaty, and the manner in which it was done, fulfils all the conditions required by the Senate.

On the list of chiefs, which was furnished me by the Hon. Judge Stryker, the United States Indian agent, and which was appended to my report, were the names of seventy-eight; but, since that time, three vacancies, occasioned by the death of Captain Jones, Captain Snow, and George White, have been filled, making the whole number, now, eighty-one. The accompanying statements, marked A, B, and C, from the Indian agent, a deputation of five chiefs, and a communication from thirty-seven other chiefs to the commissioner of the United States, contain an account of the manner in which the new chiefs were nominated and confirmed.

As the mode in which chiefs are designated to fill vacancies is anomalous and not generally known, and the term clan or family being often repeated in the papers A, B, and C, I have deemed it proper to state such facts, in relation to that subject, as I have been able to obtain from several of the chiefs.

There are eight clans or families in each of the tribes of the Six Nations, which are designated by the names of Beaver, Turtle, Wolf, Bear, Snipe, Deer, Hawk, and White Crane or Heron. It is expressly prohibited by a law of the tribes for persons of the same clan to intermarry; and it is considered as immoral and irreligious, as would be a union within the forbidden limits of consanguinity, among the Jews and Christians; and I have been assured that an instance of such a matrimonial connexion, as would be considered by the humblest Indian a wicked and monstrous indecency, has never been known.

Each clan has a prescriptive right to a certain number of chiefs, in proportion to the population it contained at some very remote period, to represent it in the several tribes and in the great council of the confederation of the Iroquois, or Six Nations; and when a vacancy occurs, the successor is the nearest relative. But what is very remarkable, the descent is traced through the female line; consequently, the children are the members of the clan of the mother, and as she must be of a different clan from her husband, the children of the chiefs are not considered as heirs, or inheritors of the clanship, but his nearest of kin must be traced through his female relatives, who were of the same clan to which he belonged. A nephew then, who is the son of the eldest sister of the chief, is the inheritor of this office and rank, he being the most nearly connected by blood. When, therefore, there is no doubt as to who that individual heir is, there is no question about the person to be nominated to the vacancy. In the cases of Peirce and Greybeard, the successors of Jones and Snow, they were well known nephews; but Hutcheson being a more distant relative of White, there were several claimants; at last, however, he was considered the legal representative of the deceased chief.

There are eight great sachems of the tribe in the Seneca nation of Indians, who are also chiefs. It is the highest title and rank, and the office is hereditary, like that of the other chiefs. The present sachems are Little Johnson, Daniel Two Guns, Captain Pollard, James Stevenson, and George Linsley, of the Buffalo Creek band; Captain Strong and Blue-Eyes, of the Cattaraugus reservation; and Jemmy John, of Tonnawanda; six of whom have signed the treaty. Half of them are Christians, and the others Pagans.

The head warriors are appointed by the chiefs in council; and the warriors on rank and file are volunteers, as no one is obliged to take the field; nor is there any compulsion used to recruit the army, in the event of war.

The civil chiefs declare war and conclude treaties of peace; and also select from among themselves, or head warriors, commanders-in chief of the whole military force, or partisan officers for special expeditions.

A list of the names of the chiefs who have given their assent is annexed, marked D. They all signed in my presence, in person or by attorney, except John Snow, who affixed his name on the Buffalo Creek reservation, and I being at the time confined to my bed by sickness, was unable to attend; but it was done in the presence of the commissioner, the Indian agent, James Stevenson, one of the oldest and most respectable of the chiefs belonging to the Christian party, and Moses Stevenson, a son of the above named chief.

The assent of John Bark and Sky Carrier was given by powers of attorney, copies of which are annexed, marked E, F, and G, and the reasons therein stated why they did not appear in person.

I invariably asked each of the chiefs, in the presence of all the persons present, whether they were perfectly satisfied with the treaty and the contract for the sale of their right of possession to the lands on which they resided, and willingly and freely came forward to sign the treaty, and they all answered in the affirmative; and I am fully of the opinion that they have done so from an anxious desire to avail themselves of the privilege of removing into the Indian Territory, west of the State of Missouri, on the liberal terms offered them by the Government of the United States, and from the conviction that the condition of the nation would become annually more deplorable, so long as they remained on their present reservations, where there was no hope of amendation in morals or the habits of industry. I sincerely believe that nearly all the other chiefs would have cheerfully given their assent, were it not for the conduct of certain white men, who are interested in the continuance of the tribe on their several reservations of Alleghany river, Cattaraugus, Buffalo, and Tonawonda creeks, and the danger they apprehend from the party of a few chiefs, who, from ambitious motives and political consequence, are adverse to a change of residence, having threatened with fatal consequences such as should give their assent, as stated in my former report, and illustrated in the deposition of John Jemison, marked F and G.

Many of the chiefs, as well those who are in favor as those opposed to emigration, called upon me during the time I was in Buffalo. I informed them of the object of my being present during the negotiations, in the manner I had done while the council was in session last autumn, as stated in the report of the 3d of October; and that I had been again instructed not to advise them as to the expediency of their approving the treaty or not; but to see that they were dealt with justly, fairly, and honorably, both by the commissioner of the United States and the pre-emptive owners of the land on which they resided; and before I left, some of the principal chiefs opposed to the treaty waited upon me, and expressed their entire satisfaction of the manner in which I had discharged my duty, and desired me to state to the Governor of Massachusetts their gratitude for the deep interest he had evinced for his red children residing in the State of New York.

General Gillet having injured his eye the day after I showed him your communication of the 30th of November, and being very much occupied after his recovery in negotiating a treaty with a deputation of the band of Onedias residing at Green Bay, in the Territory of Wisconsin, for their removal on to the tract of land assigned to the New York Indians, he was unable to furnish the statement which I informed you he had promised, in relation to the manner of the treaty being signed, and only handed it to me two days before I left Buffalo. It is enclosed, marked H.

Having endeavored to discharge the duties of the very responsible station with which you were pleased to honor me in as a faithful manner as I was capable of, I shall be highly gratified if I shall have been so fortunate as to merit your approbation.

With the highest respect, I have the honor to be your excellency's most obedient servant,

H. A. S. DEARBORN.

His excellency EDWARD EVERETT.

*A schedule of the papers accompanying the report of the superintendent.*

A. A letter from the Indian agent to the United States commissioner, on the appointment of chiefs.

B. Notice sent to the Indian agent by five chiefs, of the appointment of three chiefs.

C. A communication from thirty-seven chiefs, on filling vacancies of chiefs.

D. A list of the names of the chiefs who assented to the treaty.

E. Power of attorney of John Bark, authorizing George Jemison to sign the treaty for him.

F and G. Deposition of John Jomison, and power of attorney of Sky Carrier.

H. A letter from the commissioner to the superintendent, in relation to the manner of signing the treaty.

## No. 11.

STATE OF NEW YORK, }
*Erie county,* } *ss:*

George Jemison, a chief of the Seneca nation, residing on the Buffalo Creek reservation, being duly sworn, doth depose and say: That he is well acquainted with John Bark, one of the Seneca chiefs, whose place of residence is on the said reservation, at a short distance from the house of this deponent; that the said John Bark, a few weeks since, and after the adjournment of the last council held by R. H. Gillet, commissioner, &c., with the Seneca Indians, executed an assent in writing to the amendments of the Senate to the treaty made with the said commissioner by the New York Indians on the 15th day of January, 1838, by which said assent the said John Bark declared his full, free, and voluntary assent to said treaty as amended, and to the Seneca contract connected therewith, and authorized his name to be put to the written assent prepared by the said commissioner.

And this deponent further says, that the said John Bark expressed great concern about the consummation of said treaty, and was very anxious to be at home when the commissioner should return as contemplated, during the present month, that he might perform any further act that might be necessary for the purpose of expressing his full and free assent to said amendments. But before the arrival of the said commissioner, the said John Bark was obliged to leave home on his usual fall excursion to hunt; that the said John Bark has been absent more than two weeks, and before his departure specially authorized this deponent, in case the commissioner should arrive, to affix his name to any paper which should be prepared, for the purpose of signifying his free and voluntary assent to said treaty as amended, and to the Seneca contract connected therewith, and to any other paper of a similar kind which it might be necessary to sign in his absence. And the said deponent further says, that the said John Bark will not probably return from his hunting excursion in less than three weeks from this date.

his
**GEORGE x JEMISON.**
mark.

Sworn and subscribed, this 26th day of November, 1838, before me,

F. P. STEVENS,
*Judge of Erie County Courts.*

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No. 12.

State of New York, }
*Erie county,* } *ss:*

John Jamieson, of the Buffalo Creek reservation, in said county, being duly sworn, doth depose that he is a warrior of the Seneca tribe and well acquainted with Sky Carrier, a chief of the said tribe; that this deponent, on the seventh day of December, instant, at the request of White Seneca, a principal chief of said tribe, called upon the said Sky Carrier, at his house, on the said reservation, for the purpose of inviting him to the quarters of the United States commissioner, Ransom H. Gillet, who is now receiving the signatures of the chiefs who have assented to the amendments made by the Senate to the treaty with the New York Indians. This deponent further says, that he found the said Sky Carrier under the guard of watchers, appointed by the chiefs opposed to emigration, to prevent his doing any act favorable to said treaty; that he, this deponent, remained some time with the said Sky Carrier before he could obtain a fitting opportunity to converse with him respecting the object of his visit; that, when he did obtain such opportunity, the said Sky Carrier told him that he was afraid of personal violence if he acknowledged that he ever assented to the treaty or the amendments; that he had not changed his mind in regard to the said treaty and amendments, but was as favorable now to the same as he was when he recently signed his written assent, which has been proved, and is in the hands of the commissioner, and by which he is authorized to put his name to any other written assent that may be prescribed by the Government. This deponent further says, that the said Sky Carrier stated to him that he hoped that assent would prove sufficient, because he verily believed that he could not sign any paper in the presence of the commissioner, either at his own house or elsewhere, without endangering his life; that he dared not have an interview with the commissioner any where; that he is constantly watched; is not suffered even to go into the woods to cut fuel; and is, in fact, a prisoner, and must so continue until it is known that the commissioner has gone off. The deponent also says, that the said Sky Carrier again repeated his full and free assent to the said treaty and amendments, and requested this deponent to make personal application, for him, to the commissioner, to permit the said White Seneca to put his name to the written assent, now in the hands of the commissioner, signed by the other emigration chiefs, for it was utterly impossible for him to escape from his keepers and do it himself; that, if it could so be done, the act should be considered as effectual as if done by himself in person. And this deponent says he has no doubt that all the said Sky Carrier stated to him is true, as he was himself an eye witness to the strict watch maintained over said Sky Carrier, not only by persons stationed in his house, but also by others in his immediate vicinity; and he is well convinced that the said commissioner could not have an interview with him except in the presence of those persons by whose threats he is restrained from giving his public assent.

JOHN JAMEISON.

Subscribed and sworn before me, this 8th day of December, 1838, by John Jameison, to me personally known.

F. P. STEVENS,
*Judge of Erie County Courts.*

We, the undersigned chiefs, recommend and respectfully request that, under the circumstances stated in the annexed affidavit of John Jameison, the commissioner allow the name of Sky Carrier to be affixed to the assent in his possession in the manner by him designated.

LITTLE JOHNSON, his x mark.
GEORGE JEMISON, his x mark.

In presence of—
N. T. STRONG.
BUFFALO CREEK, *December* 8, 1838.

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No. 13.

STATE OF NEW YORK, } *ss:*
*Erie county,* }

Charles F. Pierce, a Seneca Indian, residing on the Cattaraugus reservation, in the said county of Erie, in the State of New York, being duly sworn, deposeth and saith: That he was well acquainted with Captain Jones, a Seneca chief of the Alleghany reservation, in the county of Cattaraugus, and, also, with Captain Jack Snow, a Seneca chief of the said Cattaraugus reservation, and that they are both dead. The said Captain Jones died some time in the month of March last, and the said Captain Snow died on or about the seventh day of April last; and this deponent further saith, that he understands and reads and writes the English language. And further saith not.

CHARLES F. PIERCE.

Subscribed and sworn before me, this 27th day of October, 1838, by Charles F. Pierce, to me known.

H. A. SALISBURY,
*Commissioner of Deeds for Erie county.*

STATE OF NEW YORK, *Erie county,* } *ss:*

George Fox, a Seneca chief, residing on the Buffalo Creek reservation, in said county of Erie, in said State, being duly sworn, saith: That he was well acquainted with George White, a chief of the Seneca nation of Indians; that said White resided on the said Buffalo reservation. And this deponent further saith, that said George White died some time in the spring last past, in the month of April, according to his best recollection. And further saith not.

GEORGE FOX.

Sworn before me this 29th day of October, 1838.

H. A. SALISBURY,
*Commissioner of Deeds for Erie county.*

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No. 14.

BUFFALO, *December* 10, 1838.

SIR: You are hereby notified that Charles F. Pierce, Charles Greybeard, and John Hutcheson, are acting Seneca chiefs in the place of Captain Jones, Captain Snow, and George White, deceased. The individuals named were selected and regularly appointed according to the Indian custom, due regard being paid to the rights of clanship. They are chiefs in good standing, and, as such, entitled to proper consideration from the agents of the Government.

LITTLE JOHNSON, his x mark.
TOMMY JIMMY, his x mark.
WHITE SENECA, his x mark.
JAMES STEVENSON, his x mark.
TALL PETER, his x mark.

In presence of—
N. T. STRONG.
To Hon. JAMES STRYKER.

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No. 14.

BUFFALO CREEK, *December* 10, 1838.

SIR: The undersigned chiefs would beg leave to state to the honorable the commissioner that they have already notified the agent, honorable James Stryker, of the election of three chiefs in the places of Captain Jones, Captain Jack Snow, and George White, deceased. Charles F. Pierce was elected as the successor of the late Captain Jones, in a regular council convened for that purpose. The delegates from the reservations were present, according to the custom of the Iroquois confederacy. Pierce is the successor of Captain Jones by the regular line of descent in the family or *clan.*

The right of Pierce was so generally acknowledged by the people, that beſore the usual forms or ceremony in the elections of chieſs, he was acknowledged chief (by the people) by right.

Charles Greybeard was elected successor of Captain Jack Snow, in precisely the same manner as Pierce was elected.

John Hutcheson was elected in the place of George White. There was some difference of opinion in the *clan*, or family, as to who was the proper person to be the successor, but there being a majority in favor of Hutcheson, he was accordingly declared to be nominated by the proper *clan*, and the other *clans* (according to custom) confirmed the nomination, and Hutcheson was duly declared to have been elected.

The undersigned chieſs have thought proper to inform the honorable R. H. Gillet, commissioner, how the chieſs (already named) were elected.

We are your friends,
Captain Strong, his x mark.
George Bennett, his x mark.
Blue Eyes, his x mark.
N. T. Strong,
Samuel Gordon,
Billy Shanks, his x mark.
Levi Halſtown, his x mark.
Captain Pollard, his x mark.
James Stevenson, his x mark.
White Seneca, his x mark.
George Jameson, his x mark.
Tommy Jimmy, his x mark.
Little Johnson, his x mark.
Tall Peter, his x mark.
John Snow, his x mark.
John Seneca, his x mark.
Samuel Wilson, his x mark.
James Jonas, his x mark.
Thomas Jameson, his x mark.
Jabez Stevenson, his x mark.
George Fox, his x mark.
John Bennett, his x mark.
Thomson S. Harris,
Morris Halſtown, his x mark.
William Johnson, his x mark.
John Gorden, his x mark.
Jacob Jemison, his x mark.
Long John, his x mark.
John Tallchief, his x mark.
John Bark, his x mark.
Major Jack Berry, his x mark.
Sky Carrier, his x mark.
William Cass, his x mark.
Job Pierce, his x mark.
George Big Deer his x mark.
Walter Thompson, his x mark.
John General, his x mark.

Witness—
SPENCER H. CONE.

Hon. R. H. GILLET, *Commissioner, &c.*

## No. 16.

Buffalo, *December* 10, 1838.

Sir: I enclose two communications from the Seneca chiefs, in relation to the supply of the vacancies in the chieftainship caused by the deaths of Captain Jones, Captain Snow, and George White, whose names are on the list of chiefs which was furnished to you last winter, during the pendency of your negotiations with the Six Nations, and two of whom signed the treaty.

These chiefs died last spring, and ever since their decease, Pierce and Greybeard have been acknowledged as the rightful successors of Jones and Snow. Who should succeed White was somewhat disputed, but the choice at length amicably and conclusively fell on Hutcheson.

After the council held by the heads of the several clans, and all the chiefs interested, for the purpose of ratifying the appointments, notice was regularly given to me of the choice made, and Little Johnson, a principal sachem of the Six Nations, accompanied by other sachems and chiefs, formally introduced Pierce, Greybeard, and Hutcheson, as chiefs of the Seneca nation, entitled of right to all the consideration due to chiefs in good standing. He made the usual talk on the occasion, in which he recited the custom of the Six Nations, explained the family relations of the persons elected, and declared them, in the name of the council and the assembled chiefs, duly constituted.

There is no question of their right to the succession, according to the Indian custom, and special care seems to have been taken to go through the usual forms of installation.

Yours, most respectfully,
JAMES STRYKER,
*United States Sub-Agent.*

Hon. R. H. Gillet, *Commissioner, &c.*

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## No. 17.

Buffalo, *December* 25, 1838.

Dear Sir: I have read with care and attention the letter of Governor Everett to you, under date of the 30th ultimo. When you first placed it in my hands, as you were authorized by the terms of the letter itself, I had it in mind to give my views at length upon so much of it as relates to the manner in which I had been directed to perform a certain portion of my public duty in receiving the assent of the Senecas to their amended treaty. But inasmuch as a copy of that letter was to be transmitted to the President of the United States, it has occurred to me that I ought not to attempt to give the reasons for the action of my superiors, who, if it is necessary, can perform that duty so much [better] than I can. An insufficient assignment of reasons might operate to prejudice the position which they have assumed. The Governor expresses his belief that the signatures of the chiefs ought to be given in council, and doubts whether those given in the mode specified in my instructions be constitutional. To this I will only say, that a [part] of the signatures to the original treaty were given, not in council, but at my lodgings, and that this fact was distinctly stated in a communication from me to the Indian Bureau, which was in print before that body when the treaty was ratified. If that had been then considered unconstitutional, of course the Senate would not have ratified the treaty at all. I know some prominent Senators expressed the opinion that it was of no consequence where the names were given. While the treaty was before the Senate, I was often informed by persons familiar with Indian business, that signatures had often [been] received in that manner. After the Senate had adopted the amendments to the treaty, I was advised that, in a case substantially analogous to the present, signatures had been received as proposed in my present instructions. A reference to the grammatical construction of the Senate's resolution, most clearly warrants the issuing of the instructions which I have received. The omission to couple the sentence so as to require the signatures to be taken in council, as well as the submission to be made them, negatives the idea that it is expected, or required, that the chiefs would sign in council. This view of the case is strengthened by the fact, that it was in print before the Senate, that many who were in favor of emigration had been restrained by fears and threats from signifying in council. This position is further fortified by the fact, that although the terms of the resolution required the treaty and amendments to be submitted in council, still it required the assent of the tribes or bands. If the relative pronoun "they," before the words "have given," relates to the word council, then the assent was sufficiently signed last autumn, and what has now been done is a work of supererogation; but if it does not refer to the word council, it must relate to the words "tribes or bands," and, consequently, their signatures are intended, and may be obtained without reference to any council.

The unconditional ratification, by the Governor and Council of Massachusetts, of the contracts of sale of both the Senecas and Tuscaroras, when a considerable number of both signed out of the council, are precedents in point to prove that such signatures are not considered unconstitutional or unlawful. I will only add, that in the negotiation now in progress between the Government and the Senecas, the latter are strictly beneficiaries, receiving important advantages from the former, without any strictly legal consideration. Hence, unless required by the obvious meaning of the Senate's resolution, there can be no sufficient reason for that rigid construction which was applicable to the contracts of sale ratified by Massachusetts, or which would be proper, even [were] the Government receiving, instead of conferring, advantages. In conclusion, I beg leave to say, that I have not consulted the Commissioner of Indian Affairs concerning this matter, and have no authority from him to say any thing on the subject, and, subsequently, [consequently,] he is in no way responsible for what I have written, which I have done at your suggestion, though you made no suggestion as to what I should write. It follows that this is [a] private letter, but you are at liberty to communicate it to Governor Everett, to whom I must express my thanks for sending a representative here, who has at all times been so cheerful to impart, in relation to the negotiation, that advice which his years and accumulated information rendered him so competent to give.

With sentiments of high esteem, I am most truly yours,

R. H. GILLET.

Gen. H. A. S. Dearborn.

## No. 18.

# TREATY WITH THE NEW YORK INDIANS,

*As amended by the Senate, and assented to by the several tribes*, 1838.

*Articles of a treaty made and concluded at Buffalo Creek, in the State of New York, the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty eight, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of New York Indians, assembled in council, witnesseth:*

Whereas, The Six Nations of New York Indians, not long after the close of the war of the revolution, became convinced, from the rapid increase of the white settlements around, that the time was not far distant when their true interest must lead them to seek a new home among their red brethren in the west: And whereas, this subject was agitated in a general council of the Six Nations as early as one thousand eight hundred and ten, and resulted in sending a memorial to the President of the United States, inquiring whether the Government would consent to their leaving their habitations, and their removing into the neighborhood of their western bretheren; and if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it; and further, whether the existing treaties would, in such a case, remain in full force, and their annuities be paid as heretofore: And, whereas, with the approbation of the President of the United States, purchases were made by the New York Indians from the Menomonie and Winnebago Indians, of certain lands at Green Bay, in the Territory of Wisconsin, which, after much difficulty and contention with those Indians concerning the extent of that purchase, the whole subject was finally settled by a treaty between the United States and the Menomonie Indians, concluded in February, one thousand eight hundred and thirty one, to which the New York Indians gave their assent on the seventeeth day of October, one thousand eight hundred and thirty-two: And whereas, by the provisions of that treaty, five hundred thousand acres of land are secured to the New York Indians of the Six Nations, and the St. Regis tribe, as a future home, on condition that they all remove to the same within three years, or such reasonable time as the President should prescribe: And whereas, the President is satisfied that various considerations have prevented those still residing in New York from removing to Green Bay, and, among other reasons, that many who were in favor of emigration preferred to remove at once to the Indian territory, which they were fully persuaded was the only permanent and peaceable home for all the Indians, and they therefore applied to the President to take their Green Bay lands, and provide them a new home among their brethren in the Indian territory: And whereas, the President being anxious to promote the peace, prosperity, and happiness of his red children, and being determined to carry out the humane policy of the Government in removing the Indians from the east to the west of the Mississippi, within the Indian territory, by bringing them to see and feel, by his justice and liberality, that it is their true policy and for their interest to do so without delay:

Therefore, taking into consideration the foregoing premises, the following articles of a treaty are entered into between the United States of America and the several tribes of the New York Indians, the names of whose chiefs, headmen, and warriors are hereto subscribed, and those who may hereafter give their assent to this treaty in writing, within such time as the President shall appoint:

### *General provisions.*

ARTICLE 1. The several tribes of New York Indians, the names of whose chiefs, headmen, warriors, and representatives are hereunto annexed, in consideration of the premises above recited, and the covenants hereinafter contained, to be performed on the part of the United States, hereby cede and relinquish to the United States all their right, title, and interest to the lands secured to them at Green Bay, by the Menomonie treaty of one thousand eight hundred and thirty-one, excepting the following tract, on which a part of the New York Indians now reside: beginning at the southwesterly corner of the French grants at Green Bay, and running thence southwardly to a point on a line to be run from the Little Cocaclin, parallel to a line of the French grants, and six miles from Fox river; from thence on said parallel line northwardly, six miles; from thence eastwardly to a point on the northeast line of the Indian lands, and being at right angles to the same.

ARTICLE 2. In consideration of the above cession and relinquishment, on the part of the tribes of the New York Indians, and in order to manifest the deep interest of the United States in the future peace and prosperity of the New York Indians, the United States agree to set apart the following tract of country, situated directly west of the State of Missouri, as a permanent home for all the New York Indians, now residing in the State of New York, or in Wisconsin, or elsewhere in the United States, who have no permanent homes, which said country is described as follows, to wit: Beginning on the west line of the State of Missouri, at the northeast corner of the Cherokee tract, and running thence north along the west line of the State of Missouri twenty-seven miles to the southerly line of the Miami lands; thence west so far as shall be necessary, by running a line at right angles, and parallel to the west line aforesaid, to the Osage lands, and thence easterly along the Osage and Cherokee lands to the place of beginning, to include one million eight hundred and twenty-four thousand acres of land, being three hundred and twenty acres for each soul of said Indians as their numbers are at present computed. To have and to hold the same in fee simple to the said tribes or nations of Indians, by patent from the President of the United States, issued in conformity with the provisions of the third section of the act, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," approved on the twenty-eighth day of May, eighteen hundred and thirty, with full power and authority in the said Indians to divide said lands among the different tribes, nations, or bands, in severalty, with the right to sell and convey to and from each other, under such laws and regulations as may be adopted by the respective tribes, acting by themselves, or by a general council of the said New York Indians, acting for all the tribes collectively. It is understood and agreed, that the above described country is intended as a future home for the following tribes, to wit: The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsus, and Brothertowns residing in the State of New York, and the same is to be divided equally among them, according to their respective numbers, as mentioned in a schedule hereto annexed.

Article 3. It is further agreed that such of the tribes of the New York Indians as do not accept and agree to remove to the country set apart for their new homes within five years, or such other time as the President may, from time to time, appoint, shall forfeit all interest in the lands so set apart to the United States.

Article 4. Perpetual peace and friendship shall exist between the United States and the New York Indians; and the United States hereby guarantee to protect and defend them in the peaceable possession and enjoyment of their new homes, and hereby secure to them, in said country, the right to establish their own form of Government, appoint their own officers, and administer their own laws; subject, however, to the legislation of the Congress of the United States, regulating trade and intercourse with the Indians. The lands secured to them by patent under this treaty, shall never be included in any State or Territory of this Union. The said Indians shall also be entitled, in all respects, to the same political and civil rights and privileges that are granted and secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory.

Article 5. The Oneidas are to have their lands in the Indian Territory, in the tract set apart for the New York Indians, adjoining the Osage tract, and that hereinafter set apart for the Senecas; and the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tribes, whose lands are not specially designated in this treaty, are to have such as shall be set apart by the President.

Article 6. It is further agreed that the United States will pay to those who remove west, at their new homes, all such annuities as shall properly belong to them. The schedules hereunto annexed shall be deemed and taken as a part of this treaty.

Article 7. It is expressly understood and agreed, that this treaty must be approved by the President, and ratified and confirmed by the Senate of the United States, before it shall be binding upon the parties to it. It is further expressly understood and agreed, that the rejection by the President and Senate, of the provisions thereof, applicable to one tribe, or distinct branch of a tribe, shall not be construed to invalidate as to others, but as to them it shall be binding, and remain in full force and effect.

Article 8. It is stipulated and agreed that the accounts of the commissioner, and expenses incurred by him in holding a council with the New York Indians, and concluding treaties at Green Bay and Duck creek, in Wisconsin, and in the State of New York, in 1836, and those for the exploring party of the New York Indians, in 1837, and also the expenses of the present treaty, shall be allowed and settled according to former precedents.

### *Special provisions for the St. Regis.*

Article 9. It is agreed with the American party of the St. Regis Indians, that the United States will pay to the said tribe, on their removal west, or at such time as the President shall appoint, the sum of five thousand dollars, as a remuneration for moneys laid out by the said tribe, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands, and in removal to the same, the same to be apportioned out to the several claimants by the chiefs of the said party, and a United States commissioner, as may be deemed by them equitable and just. It is further agreed, that the following reservation of land shall be made to the Rev. Eleazer Williams, of said tribe, which he claims in his own right and in that of his wife, which he is to hold in fee simple, by patent from the President, with full power and authority to sell and dispose of the same, to wit: beginning at a point in the west bank of Fox river, thirteen chains above the old mill dam, at the rapids of the Little Kockalin; thence north fifty-two degrees and thirty minutes west, two hundred and forty chains; thence north thirty-seven degrees and thirty minutes east, two hundred chains; thence south fifty-two degrees and thirty minutes east, two hundred and forty chains, to the bank of Fox river; thence up along the bank of Fox river to the place of beginning.

### *Special provisions for the Senecas.*

ARTICLE 10. It is agreed with the Senecas that they shall have for themselves and their friends, the Cayugas and Onondagas, residing among them, the easterly part of the tract set apart for the New York Indians, and to extend so far west as to include one half section (three hundred and twenty acres) of land for each soul of the Senecas, Cayugas, and Onondagas, residing among them; and if, on removing west, they find there is not sufficient timber on this tract for their use, then the President shall add thereto timber land sufficient for their accommodation, and they agree to remove from the State of New York to their new homes within five years, and to continue to reside there. And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Seneca nation of Indians, in the presence and with the approbation of the United States commissioner, appointed by the United States to hold said treaty, or convention, all the right, title, interest, and claim of the said Seneca nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed; and whereas, the consideration money mentioned in said deed, amounting to two hundred and two thousand dollars, belongs to the Seneca nation, and the said nation agrees that the said sum of money shall be paid to the United States, and the United States agree to receive the same, to be disposed of as follows: the sum of one hundred thousand dollars is to invested by the President of the United States in safe stocks, for their use, the income of which is to be paid to them at their new homes, annually, and the balance, being the sum of one hundred and two thousand dollars, is to be paid to the owners of the improvements on the lands so deeded, according to an appraisement of said improvements, and a distribution and award of said sum of money among the owners of said improvements, to be made by appraisers, hereafter to be appointed by the Seneca nation, in the presence of a United States commissioner, hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same, according to said appraisal and award, on their severally relinquishing their respective possessions to the said Ogden and Fellows.

### *Special provisions for the Cayugas.*

Article 11. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand dollars, and will invest the same in some safe stocks, the income of which shall be paid them annually at their new homes. The United States further agree to pay to the said nation, on their removal west, two thousand five hundred dollars, to be disposed as the chiefs shall deem just and equitable.

### *Special provisions for the Onondagas residing on the Seneca reservations.*

Article 12. The United States agree to set apart for the Onondagas, residing on the Seneca reservations, two thousand five hundred dollars, on their removing west, and to invest the same in safe stocks, the income of which shall be paid to them annually at their new homes. And the United States further agree to pay to the said Onondagas, on their removal to their new homes in the west, two thousand dollars, to be disposed of as the chiefs shall deem equitable and just.

### *Special provisions for the Oneidas residing in the State of New York.*

Article 13. The United States will pay the sum of four thousand dollars, to be paid to Baptista Powlis, and the chiefs of the first Christian party residing at Oneida; and the sum of two thousand dollars shall be paid to William Day and the chiefs of the Orchard party residing there, for expenses incurred, and services rendered, in securing the Green Bay country and the settlement of a portion thereof; and they hereby agree to remove to their new homes, in the Indian territory, as soon as they can make satisfactory arrangements with the Governor of the State of New York for the purchase of their lands at Oneida.

### *Special provisions for the Tuscaroras.*

Article 14. The Tuscarora nation agree to accept the country set apart for them, in the Indian territory, and to remove there within five years and continue to reside there. It is further agreed that the Tuscaroras shall have their lands, in the Indian country, at the forks of the Neosho river; which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the nation. But if, on examination, they are not satisfied with this location, they are to have their lands at such place as the President of the United States shall designate. The United States will pay to the Tuscarora nation, on their settling at the west, three thousand dollars, to be disposed of as the chiefs shall deem most equitable and just. Whereas the said nation owns, in fee simple, five thousand acres of land, lying in Niagara county, in the State of New York, which was conveyed to the nation by Henry Dearborn, and they wish to sell and convey the same before they remove west: Now, therefore, in order to have the same done in a legal and proper way, they hereby convey the same to the United States, and to be held in trust for them; and they authorize the President to sell and convey the same; and the money which shall be received for the said lands, exclusive of the improvements, the President shall invest in safe stocks for their benefit, the income from which shall be paid to the nation, at their new homes, annually; and the money which shall be received for improvements on said lands shall be paid to the owners of the improvements, when the lands are sold. The President shall cause the said lands to be surveyed, and the improvements shall be appraised by such persons as the nation shall appoint; and said lands shall also be appraised and shall not be sold at a less price than the appraisal, without the consent of James Cusick, William Mountpleasant, and William Chew, or the survivor or survivors of them; and the expenses incurred by the United States in relation to this trust are to be deducted from the moneys received before investment.

And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Tuscarora nation of Indians, in the presence and with the approbation of the commissioner, appointed on the part of the United States to hold said treaty or convention, all the right, title, interest, and claim of the Tuscarora nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed: And whereas, the consideration money for said lands has been secured to the said nation to their satisfaction, by Thomas L. Ogden and Joseph Fellows; therefore the United States hereby assent to the said sale and conveyance, and sanction the same.

Article 15. The United States hereby agree that they will appropriate the sum of four hundred thousand dollars, to be applied from time to time, under the direction of the President of the United States, in such proportions as may be most for the interest of the said Indians, parties to this treaty, for the following purposes, to wit: To aid them in removing to their homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and in being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals and farming utensils, and acquiring a knowledge of the mechanic arts.

In testimony whereof, the commissioner and the chiefs, headmen, and people, whose names are hereto annexed, being duly authorized, have hereunto set their hands, and affixed their respective seals, at the time and place above mentioned.

R. H. GILLET, [L. S.]
*Commissioner.*

*Senecas.*

| | | |
|---|---|---|
| Dao-nepho gah, or Little Johnson, | his x mark | [l. s.] |
| Da-ga o-geas, or Daniel Twoguns, | | [l. s.] |
| Gee-odowa neh, or Captain Pollard, | his x mark | [l. s.] |
| Joh nes ha-dih, or James Stevenson, | his x mark | [l. s] |
| Hure-hau-stak, or Captain Strong, | his x mark | [l s.] |
| So ne-a-ge, or Captain Snow, | his x mark | [l. s.] |
| Hau-neh-hoys oh, or Blue Eyes, | his x mark | [l. s.] |
| Haw-naw-wah es, or Levi Halftown, | his x mark | [l. s.] |
| Goat-hau-oh, or Billy Shanks, | his x mark | [l. s.] |
| Hau-sa nea-nes, or White Seneca, | his x mark | [l. s.] |
| Howah-do goh-deh, or George Bennet, | his x mark | [l s.] |
| Hays-tah jih, or Job Pierce, | his x mark | [l. s.] |
| Sho nan-do-wah, or John Gordon, | his x mark | [l. s.] |

Noh-sok-dah, or Jim Jonas, his x mark [l. s.]
Shaw neh-dik, or William Johnson, his x mark [l. s.]
Gaw neh do au ok, or Reuben Pierce, his x mark [l. s.]
Shaw go-nes-goh sha oh, or Morris Halftown, his x mark [l. s.]
Shaw go-za sot-hoh, or Jacob Jimison, his x mark [l. s.]
Gua wa no oh, or George Big Deer, his x mark [l. s.]
Joh que-ya suse, or Samuel Gordon, [l. s.]
Gua ne oh doh, or Thompson S. Harris, [l. s.]
Gau-geh queh doh, or George Jimeson, his x mark [l. s.]
H[illegible] mon-de-uh, or Nathaniel T. Strong, [l. s.]
Nuh joh gau eh, or Tall Peter, his x mark [l s.]
Sho-nauk ga nes, or Tommy Jimmy, his x mark [l. s.]
So-joh gwa us. or John Tall Chief, his x mark [l. s.]
Sh[illegible] gua nes es tip, or George Fox, [l. s.]
Go na daw goyh. or Jabez Stevenson, [l. s.]
Tit-h[illegible] uhr, or William Jones, his x mark [l. s.]
Juneah dah glence, or George White, by his agent
White Seneca, his x mark [l. s.]
Gau-on su goh, or Walter Thompson, by his agent
Daniel Two Guns, his x mark [l. s.]
Dau g[illegible] se, or Long John, his x mark [l. s.]
Gua sa we, or John Bark, his x mark [l. s.]
Gau [illegible] dough, or George Lindsay, [l. s.]
Ho ma ga was, or Jacob Bennet, his x mark [l. s.]
On di [illegible]eh-oh, or John Bennet, his x mark [l. s.]
Ni[illegible] ha ned ned, or Seneca White, his x mark [l. s.]
Ha d[illegible] jo doh, or Maris Pierce, [l. s.]
Y[illegible] doh, or David White, [l. s.]
Ja[illegible] Shongo, his x mark [l. s.]
K[illegible] gyh, or William Cass, his x mark [l. s.]
Ni ge[illegible] or Samuel Wilson, his x mark [l. s.]
Jo[illegible] goh, or John Seneca, his x mark [l. s.]

### *Tuscaroras.*

K[illegible] yh, or Nicholas Cusick, [l. s.]
S[illegible] a, or William Chew, [l. s.]
Kaw[illegible] h ka, or Wm. Mt. Pleasant, his x mark [l. s.]
Kaw r[illegible] rock-ka, or John Fox, [l. s.]
Ge[illegible] or James Cusick, [l. s.]
Ju hu[illegible] at kak, or John Patterson, his x mark [l. s.]
O tah q[illegible] w naw-wa, or Samuel Jacobs, [l. s.]
Ka no[illegible] ta, or James Anthony, his x mark [l. s.]
Gou ro q[illegible] an, or Peter Elm, his x mark [l. s.]
Lu nak she a han, or Daniel Peter, his x mark [l. s.]

### *Oneidas residing in the State of New York, for themselves and their parties.*

Baptiste Powlis, his x mark [l. s.]
Jonathan Jordon, his x mark [l. s.]

### *Oneidas at Green Bay.*

John Anthony, his x mark [l. s.]
Honyost Smith, his x mark [l. s.]

Henry Jordon, his x mark [l. s.]
Thomas King, his x mark [l. s.]

*St. Regis.*

Eleazer Williams, chief and agent, [l. s.]

*Oneidas residing on the Seneca reservation.*

Hon-no-ne-ga-doh, or Silversmith, his x mark [l. s.]
(*For himself and in behalf of his nation.*)
Hoge-wayhtah, or William Jocket, his x mark [l. s.]
Sah-hu gae ne, or Button George, his x mark [l. s.]

*Principal Onondaga warriors, in behalf of themselves and the Onondaga warriors.*

Ka-noh-qua-sa, or William John, his x mark [l. s.]
Dah-qu-o-a-dah, or Noah Silversmith, his x mark [l. s.]

*Cayugas.*

Skok-no-eh, or William King, his x mark [l. s.]
Geh-da-or-loh, or James Young, [l. s.]
Gay-on-wek, or Jack Wheelbarrow, his x mark [l. s.]
D'yo-ya-tek, or Joseph Poor, his x mark [l. s.]
*For themselves and in behalf of the nation.*

*Principal Cayuga warriors, in behalf of themselves and the Cayuga warriors.*

Hah-oh-u, or John Crow, his x mark [l. s.]
Ho-na-e-geh-dah, or Snow Darkness, his x mark [l. s.]
Gone-ah ga-u do, or Jacob G. Seneca, [l. s.]
Di-i-in-use, or Ghastly Darkness, his x mark [l. s.]
Hon-ho-gah-dyok, or Thomas Crow, his x mark [l. s.]
Wau-wah-wa-na-onk, or Peter Wilson, [l. s.]
So-en-dagh, or Jonathan White, his x mark [l. s.]
Sago-gan-e-on-gwees, or Harvy Rowe, his x mark [l. s.]
Lo-ga-ne-ah-doh, or David Crow, his x mark [l. s.]
Soh-win-dah-neh, or George Wheeler [l. s.]
Do-goh-no-do-nis, or Simon Isaac, his x mark [l. s.]
He-dai-sos, or Joseph Peter, his x mark [l. s.]
Sa-go-di-get-ka, or Jacob Jackson, his x mark [l. s.]

Witnesses:
James Stryker, *Sub-agent, Six Nations, New York Indians.*
Nathaniel T. Strong, *United States Interpreter, New York agency.*
H. B. Potter,
Orlando Allen,
H. P. Wilcox,

Charles H. Allen,
Horatio Jones,
Spencer H. Cone,
W. W. Jones,
J. F. Schermerhorn,
Josiah Trowbridge.

## SCHEDULE A.

### CENSUS OF THE NEW YORK INDIANS AS TAKEN IN 1837.

*Number residing on the Seneca reservations.*

| | |
|---|---|
| Senecas | 2,309 |
| Onondagas | 194 |
| Cayugas | 130 |
| | 2,633 |
| Onondagas, at Onondaga | 300 |
| Tuscaroras | 273 |
| St. Regis, in New York | 350 |
| Oneidas, at Green Bay | 600 |
| Oneidas, in New York | 620 |
| Stockbridges | 217 |
| Munsees | 132 |
| Brothertowns | 360 |

The above was made before the execution of the treaty.

R. H. GILLET, *Commissioner.*

## SCHEDULE B.

The following is the disposition agreed to be made of the sum of three thousand dollars, provided in this treaty for the Tuscaroras, by the chiefs, and assented to by the commissioner, and is to form a part of the treaty:

To Jonathan Prentiss, ninety-three dollars.
To William Chew, one hundred and fifteen dollars.
To John Patterson, forty-six dollars.
To William Mount Pleasant, one hundred and seventy-one dollars.
To James Cusick, one hundred and twenty-five dollars.
To David Peter, fifty dollars.
The rest and residue thereof, is to be paid to the nation.
The above was agreed to before the execution of the treaty.

R. H. GILLET, *Commissioner.*

## SCHEDULE C.

Schedule applicable to the Onondagas and Cayugas, residing on the Seneca reservations. It is agreed that the following disposition shall be made of the amount set apart to be divided by the chiefs of those nations, in the preceding parts of this treaty, any thing therein to the contrary notwithstanding:

To William King, one thousand five hundred dollars.
To Joseph Isaacs, seven hundred dollars.
To Jack Wheelbarrow, three hundred dollars.
To Silversmith, one thousand dollars.
To William Jackett, five hundred dollars.
Buton George, five hundred dollars

The above was agreed to before the treaty was finally executed.

R. H. GILLET, *Commissioner.*

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At a treaty held under the authority of the United States of America, at Buffalo Creek, in the county of Erie, and State of New York, between the chiefs and headmen of the Seneca nation of Indians, duly assembled in council, and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said Indians in and to the lands within the State of New York, remaining in their occupation: Ransom H. Gillet, Esquire, a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esquire, the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said chiefs and headmen, on behalf of the Seneca nation did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase all the right, title, and claim of the said Seneca nation, of, in, and to the several tracts, pieces, or parcels of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration or purchase money for such sale and release; which instrument being read and explained to the said parties and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

This indenture, made this fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty eight, between the chiefs and headmen of the Seneca nation of Indians, duly assembled in council, and acting for and on behalf of the said Seneca nation, of the first part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, of the second part, witnesseth: That the said chiefs and headmen of the Seneca nation of Indians, in consideration of the sum of two hundred and two thousand dollars to them in hand, paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released, and confirmed, and by these presents do grant, bargain, sell, release and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that certain tract or parcel of land, situate, lying, and being in the county of Erie, and State of New York, commonly called and known by the name of Buffalo Creek reservation, containing, by estimation, forty-nine thousand nine hundred and twenty acres, be the contents thereof more or less. Also, all that certain other tract or parcel of land, situate, lying, and being in the counties of Erie, Chatauque, and Cattaraugus, in said State, commonly called and known by the name of Cattaraugus reservation, containing, by estimation, twenty-one thousand six hundred and eighty acres, be the contents thereof more or less. Also, all that certain other tract or parcel of land, situate, lying, and being in the said county of Cattaraugus, in said State, commonly called and known by the name of the Alleghany reservation, containing, by estimation, thirty thousand four hundred and sixty-nine acres, be the contents more or less. And, also, all that certain other tract or parcel of land, situate, lying, and being partly in said county of Erie, and partly in the county of Genesee, in said State, commonly called and known by the name of the Tonawanda reservation, and containing, by estimation, twelve thousand eight hundred acres, be the same more or less; as the said several tracts of land have been heretofore reserved and are held and occupied by the said Seneca nation of Indians, or by individuals thereof, together with all and singular the rights, privileges, hereditaments, and appurtenances to each and every of the said tracts or parcels of land belonging or appertaining; and all the estate, right, title, interest, claim, and demand of the said party of the first part, and of the said Seneca nation of Indians, of, in, and to the same, and to each and every part and parcel thereof: to have and to hold, all and singular, the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, their heirs and assigns, to their proper use and behoof forever, as joint tenants, and not as tenants in common.

In witness whereof, the parties to these presents have hereunto, and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Seneca nation of Indians, and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangably set their hands and seals the day and year first above written.

Little Johnson, his x mark [l. s.]
Daniel Two Guns, [l. s.]
Captain Pollard, his x mark [l. s.]
James Stevenson, his x mark [l. s.]
Captain Strong, his x mark [l. s.]
Captain Snow, his x mark [l. s.]
Blue Eyes, his x mark [l. s.]
Levi Halftown, his x mark [l. s.]
Billy Shanks, his x mark [l. s.]
White Seneca, his x mark [l. s.]
George Bennet, his x mark [l. s.]
John Pierce, his x mark [l. s.]
John Gordon, his x mark [l. s.]
Jim Jonas, his x mark [l. s.]
William Johnson, his x mark [l. s.]
Reuben Pierce, his x mark [l. s.]
Morris Halftown, his x mark [l. s.]

Jacob Jemison, his x mark [l. s.]
Samuel Gordon, [l. s.]
Thompson S. Harris, [l. s.]
George Jemison, his x mark [l. s.]
Nathaniel T. Strong, [l. s.]
Tall Peter, his x mark [l. s.]
Tommy Jimmy, his x mark [l. s.]
John Tall Chief his x mark [l. s.]
George Fox, [l. s.]
Jabez Stevenson, [l. s.]
William Jones, his x mark [l. s.]
George White, his x mark [l. s.]
*By his agent, White Seneca.*
John Snow, his x mark [l. s.]
Walter Thompson, his x mark [l. s.]
*By his agent, Daniel Two Guns.*
Long John, his x mark [l. s.]
John Bark, his x mark [l. s.]
George Lindsey, [l. s.]
Jacob Bennet, his x mark [l. s.]
John Bennet, his x mark [l. s.]
Seneca White, his x mark [l. s.]
Maris B. Pierce, [l. s.]
David White, [l. s.]
James Shongo, his x mark [l. s.]
William Cass, his x mark [l. s.]
Samuel Wilson, his x mark [l. s.]
John Seneca, his x mark [l. s.]

Signed, sealed, and delivered, in presence of—
James Stryker,
Nathaniel T. Strong, } *Interpreters.*
Spencer H. Cone, } *Interpreters.*
H. B. Potter,
Charles H. Allen.

At the before mentioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument of writing was agreed to by the contracting parties therein named, and was, in my presence, executed by them, and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo Creek, this 15th day of January, in the year 1838.

JOSIAH TROWBRIDGE. [L. S.]

I have attended a treaty of the Seneca nation of Indians, held at Buffalo Creek, in the county of Erie, in the State of New York, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty eight, when the within instrument was duly executed, in my presence, by the chiefs of the Seneca nation, being fairly and properly understood by them. I do therefore certify and approve the same.

R. H. GILLET, *Commissioner.*

At a treaty held under and by the authority of the United States of America, at Buffalo Creek, in the county of Erie, and State of New York, between the sachems, chiefs, and warriors of the Tuscarora nation of Indians, duly assembled in council, and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said nation of Indians, in and to the lands within the State of New York, remaining in their occupation: Ransom H. Gillet, Esq., a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esquire, the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said sachems, chiefs, and warriors, on behalf of the said Tuscarora nation, did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they, the said Thomas Ludlow Ogden and Joseph Fellows, did agree to purchase all the right, title, and claim of the said Tuscarora nation, of, in, and to the tract, piece, or parcel of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration or purchase money for such sale and release; which instrument being read and explained to the said parties, and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

This indenture, made this fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, between the sachems, chiefs, and warriors of the Tuscarora nation of Indians, duly assembled in council, and acting for and on behalf of the said Tuscarora nation, of the first part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, of the second part, witnesseth: That the said sachems, chiefs, and warriors of the Tuscarora nation, in consideration of the sum of nine thousand six hundred dollars to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released, and confirmed, and by these presents do grant, bargain, sell, release, and confirm to the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that tract or parcel of land, situate, lying, and being in the county of Niagara, and State of New York, commonly called and known by the name of the Tuscarora reservation or Seneca grant, containing nineteen hundred and twenty acres, be the same more or less, being the lands in their occupancy, and not included in the lands conveyed to them by Henry Dearborn, together with all and singular the rights, privileges, hereditaments, and appurtenances to the said tract or parcel of land belonging or appertaining, and all the estate, right, title, interest, claim, and demand of the said party of the first part, and of the said Tuscarora nation of Indians, of, in, and to the same, and to every part and parcel thereof. To have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, and their heirs and assigns, to their proper use and behoof forever, as joint tenants and not as tenants in common.

In witness whereof, the parties to these presents have hereunto, and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Tuscarora nation of Indians, and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals, the day and year first above written.

Nicholas Cusick, [l. s.]
William Chew, [l. s.]
William Mountpleasant, [l. s.]
John Fox, his x mark [l. s.]
James Cusick, [l. s.]
John Patterson, his x mark [l. s.]
Samuel Jacobs, [l. s.]
James Anthony, his x mark [l. s.]
Peter Elm, his x mark [l. s.]
Daniel Peter, his x mark [l. s.]

Sealed and delivered in presence of—

James Stryker,
R. H. Gillet,
Charles H. Allen,
J. F. Schermerhorn,
Nathaniel T. Strong, *U. S. Interpreter*,
H. B. Potter,
Orlando Allen.

At the above mentioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument was agreed to by the contracting parties therein named, and was, in my presence, executed by them; and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo Creek, this 15th day of January, in the year 1838.

J. TROWBRIDGE, [L. S.]
*Superintendent.*

I have attended a treaty of the Tuscarora nation of Indians, held at Buffalo Creek, in the county of Erie, in the State of New York, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty eight, when the within instrument was duly executed, in my presence, by the sachems, chiefs, and warriors of the said nation; being fairly and properly understood and transacted by all the parties of Indians concerned, and declared to be done to their full satisfaction, I do therefore certify and approve the same.

**R. H. GILLET, *Commissioner.***

## SUPPLEMENTAL ARTICLE TO THE TREATY

*Concluded at Buffalo Creek, in the State of New York, on the 15th of January, 1838, concluded between Ransom H. Gillet, commissioner on the part of the United States, and chiefs and headmen of the St. Regis Indians, concluded on the 13th day of February, 1838.*

*Supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, dated January 15, 1838.*

The undersigned, chiefs and headmen of the St. Regis Indians, residing in the State of New York, having heard a copy of said treaty read by Ransom H. Gillet, the commissioner who concluded that treaty on the part of the United States, and he having fully and publicly explained the same; and believing the provisions of the said treaty to be very liberal on the part of the United States, and calculated to be highly beneficial to the New York Indians, including the St. Regis, who are embraced in its provisions, do hereby assent to every part of the said treaty, and approve the same. And it is further agreed, that any of the St. Regis Indians, who wish to do so, shall be at liberty to remove to the said country at any time hereafter within the time specified in this treaty; but under it the Government shall not compel them to remove. The United States will, within one year after the ratification of this treaty, pay over to the American party of said Indians one thousand dollars, part of the sum of five thousand dollars mentioned in the special provisions for the St. Regis Indians, anything in the article contained to the contrary notwithstanding.

Done at the council-house at St. Regis, this thirteenth day of February, in the year of our Lord one thousand eight hundred and thirty-eight. Witness our hands and seals.

R. H. GILLET, *Commissioner.* [l. s.]
Lover-taieenve, his x mark [l. s.]
Louis-taio-rorio te, his x mark [l. s.]
Michael Gaveault, his x mark [l. s.]
Lose-sori-sosane, his x mark [l. s.]
Louis-tioonsate, his x mark [l. s.]
Jok-ta-nen-shi-sa, his x mark [l. s.]
Emoise-gana-saien to, his x mark [l. s.]
Tomos-tataste, his x mark [l. s.]
Tier-te-gonotas en, his x mark [l. s.]
Tier-sokoia-ni-saks, his x mark [l. s.]
Sa-satis-otsi-tsia-ta-gen, his x mark [l. s.]
Tier-sgane-kor-hapse-e, his x mark [l. s.]
Ennios anas-ota ka, his x mark [l. s.]
Louis-te-ganota to-ro, his x mark [l. s.]
Wise-atia-taronne, his x mark [l. s.]
Tomas outa-gosa, his x mark [l. s.]
Sose-te-gaomshke, his x mark [l. s.]
Louis-orisake-wha, his x mark [l. s.]
Sosatis-atis-tsiaks, his x mark [l. s.]
Tier-anasaken-rat, his x mark [l. s.]
Louis-tar-oria-keshon, his x mark [l. s.]
Jasen-karato on, his x mark [l. s.]

The foregoing was executed in our presence—
A. K. Williams, *Agent on the part of New York for St. Regis Indians.*
W. L. Gray, *Interpreter.*
Owen C. Donnelly, his x mark.
Say Saree.

We, the undersigned, chiefs of the Seneca tribe of New York Indians, residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty, as amended by the resolution of the Senate of the United States on the eleventh day of June, 1838, and to our contract therewith, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled.

Dated Buffalo Creek, September 28, 1838.

Captain Pollard, his x mark.
Captain Strong, his x mark.
White Seneca, his x mark.
Blue Eyes, his x mark.
George Bennett, his x mark.
Job Pierce, his x mark.
Tommy Jimmy, his x mark.
William Johnson, his x mark.
Reuben Pierce, his x mark.
Morris Halftown, his x mark.
Levi Halftown, his x mark.
George Big Deer, his x mark.
Jim Jonas, his x mark.
George Jimeson, his x mark.
Thomas Jimeson,
George Fox,
N. T. Strong,
Thompson S. Harris,
Saml. Gordon,
Jacob Jimeson, his x mark.
John Gordon, his x mark.
Tall Peter, his x mark.
Billy Shanks, his x mark.
James Stevenson, his x mark.
Walter Thompson, his x mark.
John Bennett, his x mark.
John Seneca, his x mark.
John General, his x mark.
Major Jack Berry, his x mark.
John Tall Chief, his x mark.
Jabez Stevenson.

The above signatures were freely and voluntarily given, after the treaty and amendments had been fully and fairly explained in open council.

R. H. GILLET, *Commissioner.*

Witness:
H. A. S. DEARBORN, *Superintendent of Massachusetts.*
JAMES STRYKER, *United States Agent.*

Little Johnson, his x mark.
Samuel Wilson, his x mark.
John Bark, his x mark.
William Cass, his x mark.
Long John, his x mark.
Sky Carrier, his x mark.
Charles Greybeard, his x mark.
John Hutchinson, his x mark.
Charles F. Pierce,
John Snow, his x mark.

These ten chiefs signed in my presence, except the last, John Snow.

H. A. S. DEARBORN,
*Superintendent of Massachusetts.*

George Kenququide, his x mark,
By his attorneys, N. T. Strong.
White Seneca, his x mark.

Signed in presence of—
Nathl. T. Strong,
*United States Interpreter.*
James Stryker,
*United States Agent.*

The signature of George Kenququide was added by his attorneys in our presence.

R. H. GILLET,
JAMES STRYKER.

JANUARY 18, 1839.

We, the undersigned, chiefs of the Oneida tribe of New York Indians, do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the 11th day of June, 1838, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled. Dated August 9, 1838, at the Oneida council-house.

*First Christian party.*

Baptista Powlis, his x mark.
Anthony Big Knife, his x mark.
Peter Williams, his x mark.
Jacob Powlis, his x mark.
Anthony Anthony, his x mark.
Peter Martin, his x mark.
Cornelius Summer, his x mark.
Isaac Wheelock, his x mark.
Thomas Doxtater, his x mark.
William Hill, his x mark.
Baptiste Denny, his x mark.

*Orchard party.*

| | |
|---|---|
| Jonathan Jordon, | his x mark. |
| Thomas Scanado, | his x mark. |
| Henry Jordon, | his x mark. |
| William Day, | his x mark. |

*Second Christian party.*

| | |
|---|---|
| Abraham Denny, | |
| Adam Thompson, | his x mark. |
| Peter Elm, | his x mark. |
| Lewis Denny, | his x mark. |
| Martin Denny. | |

Executed in presence of—
TIMOTHY JENKINS.

The above assent was voluntarily, freely, and fairly given in my presence, after being fully and fairly explained by me.

R. H. GILLET, *Commissioner.*

We, the undersigned, sachems, chiefs, and headmen of the Tuscarora nation of Indians, residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty, as amended by the resolution of the Senate of the United States, on the eleventh day of June, 1838, and to our contract connected therewith, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled.

Dated August 14, 1838.

| | |
|---|---|
| Nicholas Cusick, | |
| Wm. Chew, | |
| William Mountpleasant, | |
| John Patterson, | his x mark. |
| Matthew Jack, | his x mark. |
| George L. Printup, | |
| James Cusick, | |
| Jonathan Printup, | his x mark. |
| Mark Jack, | |
| Samuel Jacobs. | |

Executed in presence of—
J. S. Buckingham,
D. Judson,
Leicester S. Buckingham,
Orlando Allen.

The above assent was freely and voluntarily given, after being fully and fairly explained by me.

R. H. GILLET, *Commissioner.*

We, the undersigned, chiefs and headmen of the tribe of Cayuga Indians, residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty, as amended by the resolution of the Senate of the United States, on the eleventh day of June, 1838, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled.

Dated August 30, 1838.

Thomas Crow, his x mark.
John Crow, his x mark.
Ghastly Darkness, his x mark.
Jacob S. Seneca.

Executed in presence of—
James Young.

The above four signatures were freely given in our presence.

R. H. GILLET, *Commissioner.*
H. A. S. DEARBORN,
*Superintendent of Massachusetts.*

We, the undersigned, sachems, chiefs, and headmen of the American party of the St. Regis Indians, residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty, as amended by the Senate of the United States on the eleventh day of June, 1838, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled. The St. Regis Indians shall not be compelled to remove under the treaty or amendments.

Dated October 9, 1838.

Lorenn taie-enve, x
Sase-sori-hogane, x
Louis-taw-roniate, x
Tomas-talsete, x
Saro-sako-ka gi-tha, x
Louis-te-ka-no-ta-ti-ron, x
Michel Gareault,
W. L. Gray, Interpreter.
Louis tio-en-sate, x
Tier ana-sa-ker rat, x
Tomas ska-en-to gane, x
Tier-sa-ko-eni-saks, x
Saro-tsio-her-is-en, x
Sak-tho-te-ras-en, x
Saro-saion-gese, x
Louis onia-rak-ete, x
Louis aion gahes, x
Sak tha-nen-ris-hon, x
Sa-ga-tis ania-ta-ri co, x
Louis-sa-ke-na-tie, x
Sa-ga-tis-asi-ke-ar-a-tha, x
Simon-sa-he-rese, x
Resis tsis-kako, x
Ennias-kar-igiio, x
Sak-tsior-ak-gisen, x
Tier-kaien take-ron, x
Kor-ari-hata-ko, x

Tomas-te-gaki-gasen, x
Saro-thar-on-ka-tha, x
Ennias-anas-ota-ko, x
Wishe-te ka-nia-tashoken, x
Tomas tio nata-ke-ente, x
Wishe-aten-en-rahes, x
Tomas-ioha-hio, x
Ennias-kana-gaien-ton, x
Louis-taro-nia-ke-thon, x
Louis-ari-gake-uha, x
Sak-tsiori-te-ha, x
Louis-te-gati-rhon, x
Tier-atsi-non-gis-aks, x

The foregoing assent was signed in our presence.

R. H. GILLET, *Commissioner.*

Witnesses:

James B. Spencer,
Heman W. Tucker,
A. K. Williams, *Agent St. Regis Indians.*
Frs. Marcoux Dictre.

We, the undersigned, chiefs, headmen, and warriors of the Onondaga tribe of Indians residing on the Seneca reservations in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty, as amended by the Senate of the United States on the 11th day of June, 1838, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled.

Dated August 31, 1838.

Silversmith, his x mark.
Noah Silversmith,
William Jacket, his x mark.

The above signatures were freely given in our presence.

R. H. GILLET, *Commissioner.*
H. A. S. DEARBORN,
*Superintendent of Massachusetts.*

## No. 19.

# ARTICLES OF A TREATY

*Made and concluded at Buffalo Creek, in the State of New York, the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of the New York Indians, assembled in council, witnesseth:*

Whereas, the Six Nations of New York Indians, not long after the close of the war of the revolution, became convinced, from the rapid increase of the white settlements around them, that the time was not far distant when their true interest must lead them to seek a new home among their red brethern in the west: And whereas, this subject was agitated in a general council of the Six Nations as early as 1810, and resulted in sending a memorial to the President of the United States inquiring whether the Government would consent to their leaving their habitations, and their removing into the neighborhood of their western brethern, and if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it; and, further, whether the existing treaties would, in such a case, remain in full force, and their annuities be paid as heretofore: And whereas, the President answered by saying that their request should be granted: And whereas, with the approbation of the President of the United States, purchases were made by the New York Indians from the Menomonie and Winnebago Indians of certain lands at Green Bay, in the Territory of Wisconsin, which, after much difficulty and contention with those Indians concerning the extent of that purchase, the whole subject was finally settled by a treaty between the United States and the Menomonie Indians, concluded in February, 1831, to which the New York Indians gave their assent on the seventeenth day of October, 1832: And whereas, by the provisions of that treaty, five hundred thousand acres of land are secured to the New York Indians of the Six Nations and the St. Regis tribe, as a future home, on condition that they all removed to the same within three years, or such reasonable time as the President should prescribe: And whereas, the President is satisfied that various considerations have prevented those still residing in New York from removing to Green Bay, and, among other reasons, that many who were in favor of emigration preferred to remove at once to the Indian Territory, which, they were fully persuaded, was the only permanent and peaceable home for all the Indians. And they therefore applied to the President to take their Green Bay lands, and provide for them a new home among their brethren in the Indian Territory: And whereas, the President being anxious to promote the peace, prosperity, and happiness of his red children, and being determined to carry out the humane policy of the Government in removing the Indians from the east to the west of the Mississippi, within the Indian Territory, by bringing them to see and feel, by his justice and liberality, that it is their true policy and for their interest to do so without delay:

Therefore, taking into consideration the foregoing premises, the following articles of a treaty are entered into between the United States of America and the several tribes of the New York Indians, the names of whose chiefs, headmen, and warriors are hereto subscribed, and those who may hereafter give their assent to this treaty, in writing, within such time as the President shall appoint.

### *General provisions.*

ARTICLE 1. The several tribes of New York Indians, the names of whose chiefs, headmen, warriors, and representatives are hereunto annexed, in consideration of the premises above recited, and the covenants hereinafter contained, to be performed on the part of the United States, hereby cede and relinquish to the United States all their right, title, and interest to the lands secured to them at Green Bay by the Menomonie treaty of 1831, (excepting the following tract, on which a part of the New York Indians now reside: Beginning at the southwesterly corner of the French grants at Green Bay, and running thence southwardly to a point on a line to be run from the Little Cocaclin, parallel to a line of the French grants, and six miles from Fox river; from thence, on said parallel line, northwardly six miles; from thence eastwardly to a point on the northeast line of the Indian lands, and being at right angles to the same.)

ARTICLE 2. In consideration of the above cession and relinquishment, on the part of the tribes of the New York Indians, and in order to manifest the deep interest of the United States in the future peace and prosperity of the New York Indians, the United States agree to set apart the following tract of country, situated directly west of the State of Missouri, as a permanent home for all the New York Indians now residing in the State of New York or in Wisconsin, or elsewhere in the United States, who have no permanent homes, which said country is described as follows, to wit: Beginning on the west line of the State of Missouri, at the northeast corner of the Cherokee tract, and running thence north along the west line of the State of Missouri twenty-seven miles to the southerly line of the Miami lands; thence west so far as shall be necessary, by running a line at right angles, and parallel to the west line of Missouri aforesaid, to the Osage lands, and thence easterly along the Osage and Cherokee lands to the place of beginning, to include one million eight hundred and twenty-four thousand acres of land, being three hundred and twenty acres for each soul of said Indians, as their numbers are at present computed: To have and to hold the same in fee simple forever, by patent from the President of the United States, with full power and authority to divide the same among the members of the different tribes in severalty, with power and authority to sell among each other and their Indian brethren of the Indian Territory, under such laws and regulations as may be adopted by the respective tribes themselves, or by a general council of the New York Indians. It is understood and agreed that the above described country is intended as the future home of the following tribes, to wit: The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns, residing in the State of New York and at Green Bay; and the same is to be divided equally among them, according to their respective numbers, as mentioned in a schedule hereto annexed. It is further agreed that if the United States, by any future arrangement, can procure the

Cherokee tract lying between the Osage lands and the State of Missouri, that then the New York Indians shall have the same, and a like quantity is to be taken off the western end of the tract herein set apart for the New York Indians. And in order to convince the New York Indians of the great desire of the United States to gratify their wishes, it is agreed that the President shall invite a delegation of the Cherokees, and also a delegation of the New York Indians, to assemble at the city of Washington, to participate in the negotiations for the said Cherokee country, the expense of which shall be borne by the United States. It is agreed that the New York Indians shall confer on their delegates such power as shall be necessary to relinquish the lands proposed to be given in exchange with the Government for the Cherokee lands, and such other powers as each tribe may confer, relating to the interest of itself.

Article 3. The United States stipulate and agree to remove all the New York Indians of the several tribes described in the foregoing article, to their new homes, and to supply them with provisions for one year after their arrival there. But if any chief, who shall be, in the opinion of the agent, competent to take care of and remove himself and family, in his own conveyance or otherwise, wishes to do so, he shall be allowed that privilege, and he shall be allowed the same compensation for each person so removed, as it would cost the United States, which shall not be less than twenty dollars for each person so removed. And any chief who shall be, in the opinion of the agent, competent to act as a sub-agent in the removal of his party, and does actually remove them, shall be paid at the rate of five hundred dollars for every party of one hundred persons so by him removed, and in the same ratio, be the number more or less. It is understood that when any chief gives notice to the agent of the Government that he and his party are ready to remove, that the means shall be furnished for that purpose by the Government, and a disbursing agent shall accompany them. It is further agreed that such Indians as prefer to remove by land, with their own conveyances, shall be permitted to do so, and those who are removed by the Government shall have every atttention paid to their health and comfort, by having good and sufficient conveyances for their accommodation, and a physician to accompany each party of emigrants, if they desire it. It is agreed that the Indians shall be permitted to commute their one year's support for such a sum as the rations would cost the Government at their new homes.

Article 4. It is further agreed that the United States will erect in the country set apart for the New York Indians, for the use of the respective nations, as many council-houses, churches, school houses, sawmills, grist-mills, and blacksmith shops, not to exceed one for each nation, except where otherwise specially provided, as shall be necessary and desired by the said nations. But in case any portion of any tribe removes, then a proper proportion of the abovementioned buildings are to be erected. It is further agreed that the United States shall pay suitable teachers, millers, and blacksmiths, and furnish the necessary coal, iron, steel, and blacksmiths' tools for ten years, and as much longer as the President shall deem proper.

Article 5. It is expressly agreed that if, in the opinion of the President of the United States, he shall hereafter deem it proper to locate the seat of Government for the Indian Territory within the territory set apart for the New York Indians, that then he shall be at liberty to select a tract, not to exceed a township, for that purpose, which shall be excepted from the foregoing grant, and remain the sole property of the United States; and there shall be added to the territory set apart for the New York Indians, a quantity of land which shall be equally valuable.

Article 6. The United States, taking a deep interest in the improvement of the Indians in useful knowledge, and believing that a literary institution for their instruction in the higher branches of education, to be established in the Indian Territory, will be highly beneficial to the Indians, hereby stipulate to set apart for that purpose, as a permanent fund, the sum of thirty thousand dollars, to be invested in some safe stock by the President of the United States, the income of which shall be applied to the purchase of the necessary books and apparatus, and the support of suitable teachers, who shall always be selected from among the Indians themselves, if persons of the necessary qualifications can be found among them. It is understood that this institution shall be organized under such rules and regulations as the President of the United States shall, from time to time, prescribe, and to be established at such place as shall be finally selected as the seat of Government of the Indian Territory, if that shall be located within the country assigned to the New York Indians; and if not, then the said institution shall be located at such place in said country as shall be determined in a general council of the New York Indians residing there.

Article 7. It is further agreed that such of the tribes of the New York Indians as do not accept and agree to remove to the country set apart for their new homes within five years, or such other time as the President may, from time to time, appoint, shall forfeit all interest in the lands so set apart to the United States.

Article 8. Perpetual peace and friendship shall exist between the United States and the New York Indians; and the United States hereby guarantee to protect and defend them in the peaceable possession and enjoyment of their new homes, and hereby secure to them, in said country, the right to establish their own form of government, appoint their own officers, and administer their own laws; subject, however, to the legislation of the Congress of the United States, regulating trade and intercourse with the Indians. The lands secured to them by patent under this treaty shall never be included in any State or Territory of this Union. The said Indians shall also be entitled, in all respects, to the same political and civil rights and privileges that are granted and secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory. It is expressly understood and agreed that if any of the several tribes of New York Indians shall suffer depredations from any other Indian tribes residing in the Indian Territory, or from citizens of the United States, and the same is proved to be the case to the satisfaction of the agent residing among them, and the property cannot be recovered, nor satisfaction therefor obtained by such agent, that then the United States will pay the Indians so sustaining such loss for the same.

Article 9. The United States agree to pay the New York Indians, at their new homes, each year, for five years, ten thousand dollars, in farming utensils, looms, and spinning-wheels, and in money to support proper persons to instruct them in the use of the same, and in domestic animals, under such regulations as shall be prescribed by the President of the United States. The rejection of this article by the Senate shall not invalidate the residue of the treaty, and the Senate shall be at liberty to modify and alter this article as they shall deem proper.

Article 10. The Oneidas are to have their lands in the Indian Territory, in the tract set apart for the New York Indians, adjoining the Osage tract and that hereinafter set apart for the Senecas; and the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tribes whose lands are not specially designated in this treaty, are to have such as shall be set apart by the President.

Article 11. It is further agreed that the United States will pay to those who remove west, at their new homes, all such annuities as shall properly belong to them, and the Government will have one of its agents reside among the New York Indians at the west. The schedules hereunto annexed shall be deemed and taken as a part of this treaty.

Article 12. It is expressly understood and agreed, that this treaty must be approved by the President, and ratified and confirmed by the Senate of the United States, before it shall be binding upon the parties to it. It is further expressly understood and agreed, that the rejection, by the President and Senate, of the provisions thereof, applicable to one tribe, or distinct branch of a tribe, shall not be construed to invalidate it as to the others, but as to them it shall be binding, and remain in full force and effect.

Article 13. It is stipulated and agreed that the accounts of the commissioner, and expenses incurred by him in holding a council with the New York Indians, and concluding treaties at Green Bay and Duck creek, in Wisconsin, and in the State of New York, in 1836, and those for the exploring party of the New York Indians, in 1837, and also the expenses of the present treaty, shall be allowed and settled according to former precedents.

### *Special provisions for the St. Regis.*

Article 14. It is agreed with the American party of the St. Regis Indians, that the United States will pay to the said tribe, on their removal west, or at such time as the President shall appoint, the sum of five thousand dollars, as a remuneration for moneys laid out by the said tribe, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands, and in removal to the same; the same to be apportioned out to the several claimants by the chiefs of said party and a United States commissioner, as may be deemed by them equitable and just. It is further agreed that the following reservation of land shall be made to the Rev. Eleazer Williams, of said tribe, which he claims in his own right and in that of his wife, which he is to hold in fee simple by patent from the President, with full power and authority to sell and dispose of the same, to wit: Beginning at a point in the west bank of the Fox river, thirteen chains above the old milldam at the rapids of the Little Kackalin; thence north fifty-two degrees and thirty minutes west, two hundred and forty chains; thence north thirty-seven degrees and thirty minutes east, two hundred chains; thence south fifty two degrees and thirty minutes east, two hundred and forty chains, to the bank of Fox river; thence up along the bank of Fox river to the place of beginning. But if the President and Senate shall not ratify and confirm this reservation, then the said Williams is to receive, in lieu thereof, ten thousand dollars, and have the pre-emption right to purchase the said lands at Government price.

### *Special provisions for the Senecas.*

Article 15. It is agreed with the Senecas that they shall have for themselves, and their friends the Cayugas and Onondagas residing among them, the easterly part of the tract set apart for the New York Indians, and to extend so far west as to include one-half a section (three hundred and twenty acres) of land for each soul of the Senecas, Cayugas, and Onondagas, residing among them; and if, on removing west, they find there is not sufficient timber on this tract for their use, then the President shall add thereto timber land sufficient for their accommodation. But in case the Cherokee tract, lying east of the Osages, is obtained by the United States, that then the Senecas are to have that tract, and so much north of it, of the country set apart for the New York Indians, as shall be necessary to make the requisite quantity for them, and their friends the Cayugas and Onondagas residing among them; that they agree to remove from the State of New York to their new homes within five years, and to reside on the lands set apart for them. And whereas at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Seneca nation of Indians, in the presence and with the approbation of the commissioner appointed by the United States to hold said treaty or convention, all the right, title, interest, and claim of the said Seneca nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed; and whereas the consideration money mentioned in said deed, amounting to two hundred and two thousand dollars, belongs to the Seneca nation, and the said nation agrees that the said sum of money shall be paid to the United States, and the United States agree to receive the same, to be disposed of as follows: The sum of one hundred thousand dollars is to be invested by the President of the United States in safe stocks, for their use, the income of which is to be paid to them at their new homes, annually, and the balance, being the sum of one hundred and two thousand dollars, is to be paid out to the owners of the improvements on the lands so deeded, according to an appraisement of said improvements, and a distribution and award of said sum of money among the owners of said improvements, to be made by appraisers, hereafter to be appointed by the Seneca nation, in the presence of a United States commissioner, hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same, according to the said appraisal and award, on their severally relinquishing their respective possessions to the said Ogden and Fellows. The United States also agree to build at their new homes, for the Senecas, and their friends the Cayugas and Onondagas residing among them, four saw-mills, and four grist-mills, four council houses, four school-houses, four churches, if they desire it, and three blacksmiths' shops, and one gunsmith shop, and also to provide and pay the necessary millers, teachers, and blacksmiths, and a gunsmith, for ten years, and as much longer as the President of the United States shall deem proper, and the United States will also supply the necessary blacksmiths' tools, iron, steel, and coal for said shops during that period. It is expressly understood that the gunsmith is to do all the work for all the New York Indians who remove west, and reside at their new homes.

### *Special provisions for the Cayugas.*

Article 16. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand dollars, and will invest the same in some safe stocks, the income from which shall be paid to them annually, at their new homes. The United States further agree to pay to the said nation, on their removal west, two thousand five hundred dollars, to be disposed of as the chiefs shall deem just and equitable.

### *Special provisions for the Onondagas residing on the Seneca reservations.*

ARTICLE 17. The United States agree to set apart for the Onondagas, residing on the Seneca reservations, two thousand five hundred dollars on their removing west, and to invest the same in safe stocks, the income of which shall be paid to them annually at their new homes. And the United States further agree to pay said Onondagas, on their removal to their new homes in the west, two thousand dollars, to be disposed of as the chiefs shall deem equitable and just.

### *Special provisions for the Oneidas residing in the State of New York.*

ARTICLE 18. The United States will pay the sum of four thousand dollars, to be paid to Baptista Powlis, and the chiefs of the first Christian party residing at Oneida, and the sum of two thousand dollars shall be paid to William Day, and the chiefs of the Orchard party residing there, for expenses incurred and services rendered in securing the Green Bay country, and the settlement of a portion thereof, and they hereby agree to remove to their new homes, in the Indian Territory, as soon as they can make satisfactory arrangements with the Governor of the State of New York for the purchase of their lands at Oneida.

### *Special provisions for the Oneidas at Green Bay.*

ARTICLE 19. The United States agree to pay the sum of three thousand dollars to the Orchard party of the Oneidas, at Green Bay, and the sum of thirty thousand five hundred dollars to the first Christian party settled at that place, as a remuneration for moneys laid out and expended by the said parties, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands, and the removal to the same; the same to be apportioned and paid out to the several claimants by the chiefs and a United States commissioner, as may be deemed most equitable and just. It is expressly agreed that if the Senate of the United States does not ratify and confirm the above, in relation to the Green Bay Indians, it shall not invalidate any of the other provisions of this treaty. It is expressly agreed that if any Indians now at Green Bay wish to remove to the country set apart as their future homes, they shall be at liberty to do so, and on relinquishing their possessions and improvements to the United States, they shall be paid the value of said improvements; and when a sufficient number of said Indians remove to their new homes to need them, the United States will make the provisions for this part of the Onedias separate from those at Onedia, if they desire it, which are specified in article fourth of this treaty. This article shall not be construed to authorize the Government to compel them to remove.

### *Special provisions for the Tuscaroras.*

ARTICLE 20. The Tuscarora nation agree to accept the country set apart for them in the Indian Territory, and to remove there within five years, and continue to reside there. It is further agreed, that the Tuscaroras shall have their lands in the Indian country, at the forks of the Neosho river, which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the nation. But if, on examination, they are not satisfied with this location, they are to have their lands at such place as the President of the United States shall designate. The United States will pay the Tuscarora nation, on their settling at the west, three thousand dollars, to be disposed of as the chiefs shall deem most equitable and just. Whereas the said nation owns, in fee simple, five thousand acres of land, lying in Niagara county, in the State of New York, which was conveyed to the nation by Henry Dearborn, and they wish to sell and convey the same before they remove west: Now, therefore, in order to have the same done in a legal and proper way, they hereby convey the same to the United States, and to be held in trust for them; and they authorize the President to sell and convey the same, and the money which shall be received for the said lands, exclusive of the improvements, the President shall invest in safe stocks for their benefit, the income from which shall be paid to the nation at their new homes, annually; and the money which shall be received for improvements on said lands, shall be paid to the owners of the improvements when the lands are sold. The President shall cause the said lands to be surveyed, and the improvements shall be appraised by such persons as the nation shall appoint; and said lands shall also be appraised, and shall not be sold at a less price than the appraisal, without the consent of James Cusic, William Mountpleasant, and William Chew, or the survivor or survivors of them; and the expenses incurred by the United States in relation to this trust, are to be deducted from the moneys received before investment.

And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Tuscarora nation of Indians, in the presence and with the approbation of the commissioner appointed on the part of the United States to hold said treaty or convention, all the right, title, interest, and claim of the Tuscarora nation to certain lands, by a deed of conveyance, a duplicate of which is hereto annexed: And whereas, the consideration money for said lands has been secured to the said nation to their satisfaction, by the said Thomas L. Ogden and Joseph Fellows; therefore, the United States hereby assent to said sale and conveyance, and sanction the same.

In testimony whereof, the commissioner, and the chiefs, headmen, and people, whose names are hereto annexed, being duly authorized, hav hereunto set their hands and affixed their respective seals, at the time and place above mentioned.

R. H. GILLET, [L. S.]
*Commissioner.*

*Senecas.*

| | | |
|---|---|---|
| Dao-nepho-gah-weh or Little Johnson | his x mark | [l. s.] |
| Da-ga-o-yeas or Daniel Two Guns | | [l. s.] |
| Gu-odowa-neh or Captain Pollard | his x mark | [l. s.] |
| Joh-nes-ha-dih or James Stevenson | his x mark | [l. s.] |
| Hure-kau-stak or Captain Strong | his x mark | [l. s.] |
| So-neh-a-ge or Captain Snow | his x mark | [l. s.] |
| Hau-neh-hoy's-oh or Blue Eyes | his x mark | [l. s.] |

Haw-naw-wah-es or Levi Halſtown his x mark [l. s.]
Goat-hau-oh or Billy Shanks his x mark [l. s.]
Hau-sa-nea-nes or White Seneca his x mark [l. s.]
Howah-do-goh dek or George Bennet his x mark [l. s.]
Hoys-tah-jih or Job Pierce his x mark [l. s.]
Sho-nan-do-wah or John Gordon his x mark [l. s.]
Noh-sok-dah or Jim Jonas his x mark [l. s.]
Shaw-neh-dik or William Johnson his x mark [l. s.]
Gaw-neh-do-au-ok or Ruben Pierce his x mark [l. s.]
Shaw-go-nes-goh-sha-oh or Morris Halſtown his x mark [l. s.]
Shaw-go-za-sot-hoh or Jacob Jimeson his x mark [l. s.]
Gau-wa-no-oh or George Big Deer his x mark [l. s.]
Sho sho-do-wah or Thomas Jemeson his x mark [l. s.]
Joh que-ya-suse or Samuel Gordon [l. s.]
Gau ne-oh-doh or Thomson S. Harris [l. s.]
Gau-yeh-gueh-doh or George Jimeson his x mark [l. s.]
Hon non de-uh or Nathl. T. Strong [l. s.]
Nuh joh-yau eh or Tall Peter his x mark [l. s.]
Sho-nauh-ga-nes or Tommy Jimmy his x mark [l. s.]
So-joh-gwa us or John Tall Chief his x mark [l. s.]
Shau-gau-nes-es-tip or George Fox [l. s.]
Go-na-daw-goyh or Jabez Stevenson [l. s.]
Tit ho-yuh or William Jones his x mark [l. s.]
Juneah-dah-glence or George White, by his
agent, White Seneca his x mark [l. s.]
Gau-nu-dai-yuh or John Snow his x mark [l. s.]
Gau-ne-su goh or Walter Thompson, by his
agent, Daniel Two Guns his x mark [l. s.]
Dauga-se or Long John his x mark [l. s.]
Gau-sa-we-doh or John Bark his x mark [l. s.]
Gauni-daunh or George Lindsey [l. s.]
Hoh-ma-ya-was or Jacob Bennet his x mark [l. s.]
On-diheh-oh or John Bennet his x mark [l. s.]
Nis-ha-nea-nent or Seneca White his x mark [l. s.]
Ha-dya-no doh or Maris B. Pierce [l. s.]
Yo-dih-doh or David White [l. s.]
James Shongo his x mark [l. s.]
Ka non-da-gyh or William Cass his x mark [l. s.]
Ni-ge-jos-a or Samuel Wilson his x mark [l. s.]
Jo-on-da-goh or John Seneca his x mark [l. s.]

*Tuscaroras.*

Ka-nat-soyh or Nicholas Cusick [l. s.]
Sacharissa or Wm. Chew [l. s.]
Kaw-we-ah-ka or Wm. Mt. Pleasant [l. s.]
Kaw-re-a-rock-ka or John Fox his x mark [l. s.]
Gee-me or James Cusick [l. s.]
Ja-hu-ree-at-kak or John Patterson his x mark [l. s.]
O'tah-quau-haw-wa or Samuel Jacobs [l. s.]
Ka-noh-sa-ta or James Anthony his x mark [l. s.]
Gau-ro-quan or Peter Elm his x mark [l. s.]
Tu-nak-she-a-han or Daniel Peter his x mark [l. s.]

*Oneidas residing in the State of New York, for themselves and their parties.*

| | | |
|---|---|---|
| Baptiste Powles | his x mark | [l. s.] |
| Jonathan Jordan | his x mark | [l. s.] |

*Oneidas at Green Bay.*

| | | |
|---|---|---|
| John Anthony | his x mark | [l. s.] |
| Honjoit Smith | his x mark | [l. s.] |
| Henry Jordan | his x mark | [l. s.] |
| Thomas King | his x mark | [l. s.] |

*St. Regis.*

Eleazer Williams, chief and agent [l. s.]
(*For himself and in behalf of the nation.*)

*Onondagas residing on the Seneca reservation.*

| | | |
|---|---|---|
| Ho-no-ne-ya-doh or Silver Smith<br>(*For himself and in behalf of his nation.*) | his x mark | [l. s.] |
| Hoge-waghtah or William Jacket | his x mark | [l. s.] |
| Sah-ku-gae-ne or Button George | his x mark | [l. s.] |

*Principal Onondaga warriors, in behalf of themselves and the Onondaga warriors.*

| | | |
|---|---|---|
| Ka-noh-qua-sa or William John | his x mark | [l. s.] |
| Dah-gu-o-a-dah or Noah Silversmith | his x mark | [l. s.] |

*Cayugas.*

| | | |
|---|---|---|
| Skok-no-eh or William King | his x mark | [l. s.] |
| Geh-da-or-loh or James Young | | [l. s.] |
| Gay-on-weh or Jack Wheelbarrow | his x mark | [l. s.] |
| D'yo-ya-teh or Joseph Isaac | his x mark | [l. s.] |

(*For themselves and in behalf of their nation.*)

*Principal Cayuga warriors, in behalf of themselves and the Cayuga warriors.*

| | | |
|---|---|---|
| Hah-oh-u or John Crow | his x mark | [l. s.] |
| Ho-na-e geh-dah or Snow Darkness | his x mark | [l. s.] |
| Gone-ah-ga-u-do or Jacob G. Seneca | | [l. s.] |
| De-i-en-use or Ghastly Darkness | his x mark | [l. s.] |
| Hon-ho-gah-dyok or Thomas Crow | his x mark | [l. s.] |
| Wou-wah-wa-na-onk or Peter Wilson | | [l. s.] |
| So-en-dagh or Jonathan White | his x mark | [l. s.] |
| Sago-gah-e-on gwus or Harvey Rowe | his x mark | [l. s.] |
| To-ga-ne-ah-doh or David Crow | his x mark | [l. s.] |
| Soh-win-dah-neh or George Wheeler | | [l. s.] |
| De-goh-no-do-nio or Simon Isaac | his x mark | [l. s.] |

He-dai-sos or Joseph Peter his x mark [l. s.]
Sa-go-di-yet-ha or Jacob Jackson his x mark [l. s.]

Witnesses:

James Stryker, *Sub-agent Six Nations New York Indians.*
Nathaniel T. Strong, *United States interpreter N. Y. agency.*
H. B. Potter,
Orlando Allen,
H. P. Wilcox,
Charles H. Allen,
Horatio Jones,
Spencer H. Cone,
W. W. Jones,
J. F. Schermerhorn,
Josiah Trowbridge.

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## SCHEDULE A.

### CENSUS OF THE NEW YORK INDIANS, AS TAKEN IN 1837.

*Number residing on the Seneca reservations.*

| | |
|---|---|
| Senecas | 2,309 |
| Onondagas | 194 |
| Cayugas | 130 |
| | 2,633 |
| Onondagas at Onondaga | 300 |
| Tuscaroras | 273 |
| St. Regis in New York | 350 |
| Oneidas at Green Bay | 600 |
| Oneidas in New York | 620 |
| Stockbridges | 217 |
| Munsees | 132 |
| Brothertowns | 360 |

The above was made before the execution of the treaty.

R. H. GILLET, *Commissioner.*

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## SCHEDULE B.

The following is the disposition agreed to be made of the sum of three thousand dollars provided in this treaty for the Tuscaroras, by the chiefs, and assented to by the commissioner, and is to form a part of the treaty:

To Jonathan Printress, ninety-three dollars.
To William Chew, one hundred and fifteen dollars.
To John Patterson, forty-six dollars.
To William Mountpleasant, one hundred and seventy-one dollars.
To James Cusick, one hundred and twenty-five dollars.
To David Peter, fifty dollars.
The rest and residue thereof to be paid to the nation.

The above was agreed to before the execution of the treaty.

R. H. GILLET, *Commissioner.*

## SCHEDULE C.

Schedule applicable to the Onondagas and Cayugas residing on the Seneca reservations. It is agreed that the following disposition shall be made of the amount set apart to be divided by the chiefs of these nations, in the preceding parts of this treaty, anything therein to the contrary notwithstanding:

To William King, one thousand five hundred dollars; Joseph Isaacs, seven hundred dollars; Jack Wheelbarrow, three hundred dollars; Silversmith, one thousand dollars; William Jacket, five hundred dollars; Buton George, five hundred dollars.

The above was agreed to before the treaty was finally executed.

R. H. GILLET, *Commissioner.*

## SCHEDULE D.

The United States will pay to the persons named below, the sums mentioned for them, as a remuneration for their services in procuring the Green Bay country, and for services as delegates in exploring the western country and for losses sustained in consequence thereof, and for other services, to wit:

To George Jemeson, two thousand dollars.

To Thompson S. Harris, twelve hundred dollars.

To Nathaniel T. Strong, one thousand dollars.

To Seneca White, one thousand dollars.

To Marus B. Pierce, one thousand dollars.

To William Johnson, one thousand dollars.

To James Young, one thousand dollars.

To William King, five hundred dollars.

The above mentioned sums are to be paid to the persons named, on their settling at their new homes at the west.

To William Patterson, Israel Jemeson, Little Johnson, White Seneca, Silver Smith, Baptisti Pawlis, Jonathan Jourdan, Martin Daney, John Anthony, Honyost Smith, Henry Jourdan, James Cusick, and James Young, each the sum of two hundred dollars, to be paid when an appropriation is made, to the persons mentioned, first deducting the following sums which have been already advanced to them by J. F. Schermerhorn, to wit:

William Patterson, one hundred and fifty dollars; Israel Jemeson, fifty dollars; Little Johnson, sixty dollars; White Seneca, one hundred dollars; James Young, one hundred dollars; and Silver Smith, fifty dollars; which respective sums have been heretofore advanced by said Schermerhorn, and are to be paid to him; they having been with him on the exploring expedition at the west.

The above was agreed to as a part of the treaty before the same was finally executed.

R. H. GILLET, *Commissioner.*

## SCHEDULE E.

The United States will set apart twenty thousand dollars to be paid out in erecting dwellings and making enclosures for such poor persons of the several nations of New York Indians who remove west, after their arrival there, as shall be designated by the chiefs of the respective nations, with the assent of the agent, which shall be expended under such regulations as the President shall prescribe, but the Senate shall have the power to reject or modify this provision without impairing the other parts of the treaty; whereas, the provisions in this treaty for a high school or college is supposed not to be large enough to meet the object contemplated, it is, therefore, provided, that the sum of twenty thousand dollars shall be added to the sum so set apart for that purpose, but the Senate shall be at liberty to reject or modify this provision without impairing the other provisions of the treaty.

The above was made out and agreed to, before the final conclusion of the treaty.

R. H. GILLET, *Commissioner.*

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At a treaty held under the authority of the United States of America, at Buffalo Creek, in the county of Erie, and State of New York, between the chiefs and headmen of the Seneca nation of Indians, duly assembled in council, and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said nation of Indians in and to the lands within the State of New York remaining in their occupation: Ransom H. Gillet, Esquire, the commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esquire, the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said chiefs and headmen, on behalf of the Seneca nation, did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase all the right, title, and claim of the said Seneca nation, of, in, and to the several tracts, pieces, or parcels of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration or purchase money for such sale and release; which instrument being read and explained to the said parties, and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

This indenture, made this fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, between the chiefs and headmen of the Seneca nation of Indians, duly assembled in council, and acting for and on behalf of the said Seneca nation, of the first part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, of the second part, witnesseth: That the said chiefs and headmen of the Seneca nation of Indians, in consideration of the sum of two hundred and two thousand dollars, to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released, and confirmed, and by those presents do grant. bargain sell, release, and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that certain tract or parcel of land situate, lying, and being in the county of Erie, and State of New York, commonly called and known by the name of Buffalo Creek reservation, containing, by estimation, forty-nine thousand nine hundred and twenty acres, be the contents thereof more or less. Also, all that certain other tract or parcel of land, situate, lying, and being in the counties of Erie, Chautauque, and Cattaraugus, in said State, commonly called and known by the name of Cattaraugus reservation, containing, by estimation, twenty-one thousand six hundred and eighty acres, be the contents thereof more or less. Also, all that certain other tract or parcel of land, situate, lying, and being in the said county of Cattaraugus, in said State, commonly called and known by the name of the Alleghany reservation, containing, by estimation, thirty thousand four hundred and sixty-nine acres, be the contents more or less. And also, all that certain other tract or parcel of land, situate, lying, and being partly in said county of Erie, and partly in the county of Genesee, in said State, commonly called and known by the name of the Tonawanda reservation, and containing, by estimation, twelve thousand eight hundred acres, be the same more or less, as the said several tracts of land have been heretofore reserved, and are held and occupied by the said Seneca nation of Indians, or by individuals thereof, together with all and singular the rights, privileges, hereditaments, and appertenances to each and every of the said tracts or parcels of land belonging or appertaining; and all the estate, right, title, interest, claim, and demand of the said party of the first part, and of the said Seneca nation of Indians, of, in, and to the same, and to each and every part and parcel thereof: To have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, their heirs and assigns, to their proper use and behoof forever, as joint tenants, and not as tenants in common.

In witness whereof, the parties to these presents have hereunto, and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Seneca nation of Indians, and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals the day and year first above written.

| | | |
|---|---|---|
| Little Johnson, | his x mark | [l. s.] |
| Daniel Two Guns | | [l. s.] |
| Captain Pollard | his x mark | [l. s.] |
| James Stevenson | his x mark | [l. s.] |
| Captain Strong | his x mark | [l. s.] |
| Captain Snow | his x mark | [l. s.] |
| Blue Eyes | his x mark | [l. s.] |
| Levi Halftown | his x mark | [l. s.] |
| Billy Shanks | his x mark | [l. s.] |
| White Seneca | his x mark | [l. s.] |
| George Bennet | his x mark | [l. s.] |
| Job Pierce | his x mark | [l. s.] |
| John Gordon | his x mark | [l. s.] |
| Jim Jones | his x mark | [l. s.] |
| William Johnson | his x mark | [l. s.] |
| Reuben Pierce | his x mark | [l. s.] |
| Morris Halftown | his x mark | [l. s.] |
| Jacob Jimeson | his x mark | [l. s.] |
| George Big Deer | his x mark | [l. s.] |
| Thomas Jimeson | his x mark | [l. s.] |

| | | |
|---|---|---|
| Samuel Gordon | | [l. s.] |
| Thomson S. Harris | | [l. s.] |
| George Jimeson | his x mark | [l. s.] |
| Nathaniel T. Strong | | [l. s.] |
| Tall Peter | his x mark | [l. s.] |
| Tommy Jimmy | his x mark | [l. s.] |
| John Tall Chief | his x mark | [l. s.] |
| George Fox | | [l. s.] |
| Jabez Stevenson | | [l. s.] |
| William Jones | his x mark | [l. s.] |
| George White | his x mark | [l. s.] |
| *(By his agent, White Seneca.)* | | |
| John Snow | his x mark | [l. s.] |
| Walter Thompson | his x mark | [l. s.] |
| *(By his agent, Daniel Two Guns.)* | | |
| Long John | his x mark | [l. s.] |
| John Bark | his x mark | [l. s.] |
| George Lindsey | | [l. s.] |
| Jacob Bennet | his x mark | [l. s.] |
| John Bennet | his x mark | [l. s.] |
| Seneca White | his x mark | [l. s.] |
| Maris B. Pierce | | [l. s.] |
| David White | | [l. s.] |
| James Shongo | his x mark | [l. s.] |
| William Cass | his x mark | [l. s.] |
| Samuel Wilson | his x mark | [l. s.] |
| John Seneca | his x mark | [l. s.] |

Signed, sealed, and delivered in the presence of—

James Stryker,
Nathaniel T. Strong, } *Interpreters.*
Spencer H. Cone, }
H. B. Potter,
Charles H. Allen.

At the beforementioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument of writing was agreed to by the contracting parties therein named, and was, in my presence, executed by them, and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo Creek, this 15th day of January, in the year 1838.

J. TROWBRIDGE. [l. s.]

I have attended a treaty of the Seneca nation of Indians, held at Buffalo Creek, in the county of Erie, in the State of New York, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, when the within instrument was duly executed, in my presence, by the chiefs of the Seneca nation, being fairly and properly understood by them. I do, therefore, certify and approve the same.

R. H. GILLET, *Commissioner.*

At a treaty held under the authority of the United States of America, at Buffalo Creek, in the county of Erie, and State of New York, between the sachems, chiefs, and warriors of the Tuscarora nation of Indians, duly assembled in council, and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, on the other part, concerning the purchase of the right and claim of said nation of Indians in and to the lands within the State of New York, remaining in their occupation: Ransom H. Gillet, Esquire, the commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esquire, the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said sachems, chiefs, and warriors, on behalf of the said Tuscarora nation, did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase all the right, title, and claim of the said Tuscarora nation of, in, and to the tract, piece, or parcel of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration or purchase money for such sale and release; which instrument being read and explained to the said parties, and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

This indenture, made this fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty eight, between the sachems, chiefs, and warriors of the Tuscarora nation of Indians, duly assembled in council, and acting for and on behalf of the said Tuscarora nation, of the first part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, of the second part, witnesseth: That the said sachems, chiefs, and warriors of the Tuscarora nation, in consideration of the sum of nine thousand six hundred dollars, to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released, and confirmed, and by these presents do grant, bargain, sell, release, and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that certain tract or parcel of land situate, lying, and being in the county of Niagara, and State of New York, commonly called and known by the name of the Tuscarora reservation or Seneca grant, containing nineteen hundred and twenty acres, be the same more or less, being the lands in their occupancy, and not included in the lands conveyed to them by Henry Dearborn, together with all and singular the rights, privileges, hereditaments, and appertenances to the said tract or parcel of land belonging or appertaining, and all the estate, right, title, interest, claim, and demand of the said party of the first part, and of the said Tuscarora nation of Indians, of, in, and to the same, and to every part and parcel thereof: To have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, their heirs and assigns, to their proper use and behoof forever, as joint tenants, and not as tenants in common.

In witness whereof, the parties to these presents have hereunto, and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Tuscarora nation of Indians, and one to remain with the said

Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals, the day and year first above written.

| | | |
|---|---|---|
| Nicholas Cusick, | | [l. s.] |
| William Chew, | | [l. s.] |
| William Mountpleasant, | | [l. s.] |
| John Fox, | his x mark | [l. s.] |
| James Cusick, | | [l. s.] |
| John Patterson, | his x mark | [l. s.] |
| Samuel Jacobs, | | [l. s.] |
| James Anthony, | his x mark | [l. s.] |
| Peter Elm, | his x mark | [l. s.] |
| Daniel Peter, | his x mark | [l. s.] |

Sealed, and delivered in presence of—

James Stryker,
R. H. Gillet,
Charles H. Allen,
J. F. Schermerhorn,
Nathaniel T. Strong, *U. S. interpreter.*
H. B. Potter,
Orlando Allen,

At the abovementioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument of writing was agreed to by the contracting parties therein named, and was, in my presence, executed by them, and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo creek, this 15th day of January, in the year 1838.

J. TROWBRIDGE, *Superintendent.* [l. s.]

I have attended a treaty of the Tuscarora nation of Indians, held at Buffalo Creek, in the county of Erie, in the State of New York, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, when the within instrument was duly executed, in my presence, by the sachems, chiefs, and warriors of the said nation; being fairly and properly understood and transacted by all the parties of Indians concerned, and declared to be done to their full satisfaction, I do therefore certify and approve the same.

R. H. GILLET, *Commissioner.*

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## SUPPLEMENTAL ARTICLE TO THE TREATY

*Concluded at Buffalo Creek, in the State of New York, on the 15th of January,* 1838, *concluded between Ransom H. Gillet, commissioner on the part of the United States, and chiefs and headmen of the St. Regis Indians, concluded on the* 13*th day of February,* 1838.

*Supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, dated January* 15, 1838.

The undersigned, chiefs and headmen of the St. Regis Indians, residing in the State of New York, having heard a copy of said treaty read by

Ransom H. Gillet, the commissioner who concluded that treaty on the part of the United States, and he having fully and publicly explained the same, and believing the provisions of said treaty to be very liberal on the part of the United States, and calculated to be highly beneficial to the New York Indians, including the St. Regis, who are embraced in its provisions, do hereby assent to every part of said treaty, and approve the same. And it is further agreed, that any of the said St. Regis Indians, who wish to do so, shall be at liberty to remove to the said country at any time hereafter, within the time specified in this treaty, but under it the Government shall not compel them to remove. The United States will, within one year after the ratification of this treaty, pay over to the American party of said Indians, one thousand dollars, part of the sum of five thousand dollars, mentioned in the special provisions for the St. Regis Indians, anything in the article contained to the contrary notwithstanding.

Done at the council house at St. Regis, this thirteenth day of February, in the year of our Lord one thousand eight hundred and thirty eight.

Witness our hands and seals.

R. H. GILLET, [L. S.]
*Commissioner.*

Loven-taie-enve, x [L. S.]
Louis taio-rorio te, x [L. S.]
Michel Gaveault, x [L. S.]
Lose-sori sosane, x [L. S.]
Louis-tioonsate, x [L. S.]
Tok-ta-nen-shi-so, x [L. S.]
Ennios-gana-saien-to, x [L. S.]
Tomas-tatsete, x [L. S.]
Tier-te gonotas-en, x [L. S.]
Tier-sakoia-ni-saks x [L. S.]
Sassatis-otsi tsia-ta-gen, x [L. S.]
Tier-sgane-kor-hakse-e, x [L. S.]
Ennias-anas-ota-ko, x [L. S.]
Louis-te ganota-ti-ro, x [L. S.]
Wise-atia-taronne, x [L. S.]
Tomas-oneta gosa, x [L. S.]
Lose te-gaonshke, x [L. S.]
Louis-arisake-wha, x [L. S.]
Sasatis-atis-tsiaks, x [L. S.]
Tier-anasaken-rat, x [L. S.]
Louis-tar-onia-kethon, x [L. S.]
Iasen-karato-on, x [L. S.]

The foregoing was executed in our presence.

A. K. Williams,
*Agent on part of New York, for St Regis Indians.*
Wm. L. Gray, *Interpreter.*
Owen C. Donely, his x mark.
Sag Saree.

## IN SENATE OF THE UNITED STATES.

JUNE 11, 1838.

*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, in the year of our Lord 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of the New York Indians, assembled in council, with the following

### AMENDMENTS:

Strike out of article 2, after the word "computed," in line 17, the following words:

To have and hold the same in fee simple forever, by patent from the President of the United States, with full power and authority to divide the same among the members of the different tribes, in severalty, with power and authority to sell among each other, and their Indian brethren of the Indian Territory, under such laws and regulations as may be adopted by the respective tribes themselves, or by a general council of the New York Indians.

Insert the following, in lieu of the above stricken out:

To have and to hold the same in fee simple to the said tribes or nations of Indians, by patent from the President of the United States, issued in conformity with the provisions of the third section of the act entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," approved on the 28th day of May, 1830, with full power and authority in the said Indians to divide said lands among the different tribes, nations, or bands of New York Indians, or among the members of said tribes, nations, or bands, in severalty, with the right to sell, and convey to and from each other, under such laws and regulations as may be adopted by the respective tribes, acting by themselves, or by a general council of the said New York Indians, acting for all the tribes collectively.

Strike out in line 27, of the 2d article, the words "and at Green Bay."

Strike out after the word "annexed," in line 29, the residue of the 2d article, in the following words:

It is further agreed, that if the United States, by any future arrangement, can procure the Cherokee tract lying between the Osage lands and the State of Missouri, that then the New York Indians shall have the same, and a like quantity is to be taken off the western end of the tract herein set apart for the New York Indians. And in order to convince the New York Indians of the great desire of the United States to gratify their wishes, it is agreed that the President shall invite a delegation of the Cherokees, and also a delegation of the New York Indians, to assemble at the city of

Washington, to participate in the negotiations for the said Cherokee country, the expense of which shall be borne by the United States. It is agreed that the New York Indians shall confer on their delegates such powers as shall be necessary to relinquish the lands proposed to be given in exchange with the Government for the Cherokee lands, and such other powers as each tribe may confer, relating to the interest of itself.

Strike out the third, fourth, fifth, and sixth articles, in the following words:

ARTICLE 3. The United States stipulate and agree to remove all the New York Indians of the several tribes described in the foregoing article, to their new homes, and to supply them with provisions for one year after their arrival there. But if any chief, who shall be, in the opinion of the agent, competent to take care of, and remove himself and family, in his own conveyance or otherwise, wishes to do so, he shall be allowed that privilege, and he shall be allowed the same compensation for each person so removed, as it would cost the United States, which shall not be less than twenty dollars for each person so removed. And any chief who shall be, in the opinion of the agent, competent to act as a sub agent in the removal of his party, and does actually remove them, shall be paid at the rate of five hundred dollars for every party of one hundred persons so by him removed, and in the same ratio, be the number more or less. It is understood that when any chief gives notice to the agent of the Government that he and his party are ready to remove, that the means shall be furnished for that purpose by the Government, and a disbursing agent shall accompany them. It is further agreed, that such Indians as prefer to remove by land with their own conveyances, shall be permitted to do so, and those who are removed by the Government shall have every attention paid to their health and comfort, by having good and sufficient conveyances for their accommodation, and a physician to accompany each party of emigrants, if they desire it. It is agreed that the Indians shall be permitted to commute their one year's support for such a sum as the rations would cost the Government at their new homes.

ARTICLE 4. It is further agreed, that the United States will erect in the country set apart for the New York Indians, for the use of the respective nations, as many council-houses, churches, school-houses, sawmills, grist-mills, and blacksmith shops, not to exceed one for each nation, except where otherwise specially provided, as shall be necessary and desired by the said nations. But in case any portion of any tribe removes, then a proper proportion of the above mentioned buildings are to be erected. It is further agreed that the United States shall pay suitable teachers, millers, and blacksmiths, and furnish the necessary coal, iron, steel, and blacksmiths' tools for ten years, and as much longer as the President shall deem proper.

ARTICLE 5. It is expressly agreed, that if, in the opinion of the President of the United States, he shall hereafter deem it proper to locate the seat of Government for the Indian Territory within the territory set apart for the New York Indians, that then he shall be at liberty to select a tract, not to exceed a township, for that purpose, which shall be excepted from the foregoing grant, and remain the sole property of the United States; and there shall be added to the territory set apart for the New York Indians, a quantity of land which shall be equally valuable.

ARTICLE 6. The United States, taking a deep interest in the improvement of the Indians in useful knowledge, and believing that a literary institution for their instruction in the higher branches of education, to be established in the Indian Territory, will be highly beneficial to the Indians, hereby stipulate to set apart for that purpose, as a permanent fund, the sum of thirty thousand dollars, to be invested in some safe stock by the President of the United States, the income of which shall be applied to the purchase of the necessary books and apparatus, and the support of suitable teachers, who shall always be selected from among the Indians themselves, if persons of the necessary qualifications can be found among them. It is understood that this institution shall be organized under such rules and regulations as the President of the United States shall, from time to time, prescribe, and to be established at such place as shall be finally selected as the seat of Government of the Indian Territory, if that shall be located within the country assigned to the New York Indians; and if not, then the said institution shall be located at such place in said country as shall be determined in a general council of the New York Indians residing there.

Strike out of article 8, after the word "Territory," in line 12, the following words:

It is expressly understood and agreed, that if any of the several tribes of New York Indians shall suffer depredations from any other Indian tribes residing in the Indian Territory, or from citizens of the United States, and the same is proved to be the case to the satisfaction of the agent residing among them, and the property cannot be recovered, nor satisfaction therefor obtained by such agent, that then the United States will pay the Indians so sustaining such loss for the same.

Strike out the 9th article, in the following words:

ARTICLE 9. The United States agree to pay the New York Indians at their new homes, each year, for five years, ten thousand dollars, in farming utensils, looms, and spinning wheels, and in money to support proper persons to instruct them in the use of the same, and in domestic animals, under such regulations as shall be prescribed by the President of the United States. The rejection of this article by the Senate shall not invalidate the residue of the treaty, and the Senate shall be at liberty to modify and alter this article as they shall deem proper.

Strike out of the 11th article, in lines 3 and 4, the following words:

And the Government will have one of its agents reside among the New York Indians at the west.

Strike out of the 14th article, after the word "beginning," in line 19, the following words:

But if the President and Senate shall not ratify and confirm this reservation, then the said Williams is to receive, in lieu thereof, ten thousand dollars, and have the pre-emption right to purchase the said lands at Government price.

Strike out of the 15th article, after the word "accommodation," in line 8, the following words:

But in case the Cherokee tract, lying east of the Osages, is obtained by the United States, that then the Senecas are to have that tract, and so much north of it, of the country set apart for the New York Indians, as shall be necessary to make the requisite quantity for them, and their friends, the Cayugas and Onondagas, residing among them: and

Strike out of the 15th article, all after the word "Fellows," in line 36, in the following words:

The United States also agree to build, at their new homes, for the Senecas, and their friends, the Cayugas and Onondagas, residing among them, four saw mills, and four gristmills, four council-houses, four schoolhouses, four churches, if they desire it, and three blacksmiths' shops, and one gunsmith shop, and also to provide and pay the necessary millers, teachers, and blacksmiths, and a gunsmith, for ten years and as much longer as the President of the United States shall deem proper, and the United States will also supply the necessary blacksmiths' tools, iron, steel, and coal for said shops during that period. It is expressly understood that the gunsmith is to do all the work for all the New York Indians who remove west, and reside at their new homes.

Strike out the 19th article, in the following words:

*Special provisions for the Oneidas at Green Bay.*

Article 19. The United States agree to pay the sum of three thousand dollars to the Orchard party of the Oneidas, at Green Bay, and the sum of thirty thousand five hundred dollars to the first Christian party settled at that place, as a remuneration for moneys laid out and expended by the said parties, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands, and the removal to the same; the same to be apportioned and paid out to the several claimants by the chiefs and a United States commissioner, as may be deemed most equitable and just. It is expressly agreed that if the Senate of the United States does not ratify and confirm the above, in relation to the Green Bay Indians, it shall not invalidate any of the other provisions of this treaty. It is expressly agreed that if any of the Indians now at Green Bay wish to remove to the country set apart as their future homes, they shall be at liberty to do so, and on relinquishing their possessions and improvements to the United States, they shall be paid the value of said improvements; and when a sufficient number of said Indians remove to their new homes to need them, the United States will make the provisions for this part of the Oneidas separate from those at Oneida, if they desire it, which are specified in article fourth of this treaty. This article shall not be construed to authorize the Government to compel them to remove.

Change articles 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20, to articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, respectively.

Add the following as a new article:

Article 15. The United States hereby agree, that they will appropriate the sum of four hundred thousand dollars, to be applied from time to time, under the direction of the President of the United States, in such proportions as may be most for the interest of said Indians, parties to this treaty, for the following purposes, to wit: to aid them in removing to their new homes, and supporting themselves the first year after their removal;

to encourage and assist them in education, and being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals and farming utensils, and acquiring a knowledge of mechanic arts.

Strike out schedule D, in the following words:

## SCHEDULE D.

The United States will pay to the persons named below, the sums mentioned for them, as a remuneration for their services in procuring the Green Bay country, and for services as delegates in exploring the western country, and for losses sustained in consequence thereof, and for other services, to wit:

To George Jemeson, two thousand dollars.

To Thompson S. Harris, twelve hundred dollars.

To Nathaniel T. Strong, one thousand dollars.

To Seneca White, one thousand dollars.

To Marus B. Pierce, one thousand dollars.

To William Johnson, one thousand dollars.

To James Young, one thousand dollars.

To William King, five hundred dollars.

The above mentioned sums to be paid to the persons named, on their settling at their new homes at the west.

To William Patterson, Israel Jemeson, Little Johnson, White Seneca, Silver Smith, Baptiste Pawlis, Jonathan Jourdan, Martin Daney, John Anthony, Honyost Smith, Henry Jourdan, James Cusick, and James Young, each the sum of two hundred dollars, to be paid, when an appropriation is made, to the persons mentioned, first deducting the following sums which have been already advanced to them by J. F. Schermerhorn, to wit:

William Patterson, one hundred and fifty dollars; Israel Jemeson, fifty dollars; Little Johnson, sixty dollars; White Seneca, one hundred dollars; James Young, one hundred dollars; and Silver Smith, fifty dollars; which respective sums have been heretofore advanced by said Schermerhorn, and are to be paid to him; they having been with him on the exploring expedition at the west.

The above was agreed to as a part of the treaty before the same was finally executed.

R. H. GILLET, *Commissioner.*

Strike out schedule E, in the following words:

## SCHEDULE E.

The United States will set apart twenty thousand dollars to be paid out in erecting dwellings and making enclosures for such poor persons of the several nations of New York Indians who remove west, after their arrival there, as shall be designated by the chiefs of the respective nations, with the assent of the agent, which shall be expended under such regulations as the President shall prescribe, but the Senate shall have the power to reject or modify this provision without impairing the other parts of the treaty; whereas, the provision in this treaty for a high school or college is supposed not to be large enough to meet the object contemplated, it is, therefore, provided, that the sum of twenty thousand dollars shall be added to the sum so set apart for that purpose, but the Senate shall be at liberty to reject or modify this provision without impairing the other provisions of the treaty.

The above was made out and agreed to before the final conclusion of the treaty.

R. H. GILLET, *Commissioner.*

*Resolved, further*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, January 15, 1838, which was made at the council-house of St. Regis, on the 13th day of February, 1838: *Provided*, The chiefs and headmen of the St. Regis Indians, residing in New York, will in general council accept of and adopt the aforesaid treaty, as modified by the preceding resolution of ratification.

*Provided, always, and be it further resolved*, (two-thirds of the Senate present concurring,) That the treaty shall have no force or effect whatever, as it relates to any of said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted and fully and fairly explained, by a commissioner of the United States, to each of said tribes, or bands, separately assembled in council, and they have given their free and voluntary assent thereto; and if one or more of said tribes or bands, when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon those so assenting, although other or others of said bands or tribes may not give their assent, and thereby cease to be parties thereto: *Provided, further*, That if any portion or part of said Indians do not emigrate, the President shall retain a proper proportion of said sum of four hundred thousand dollars, and shall also deduct from the quantity of land allowed west of the Mississippi such number of acres as will leave to each emigrant three hundred and twenty acres only.

Attest: ASBURY DICKENS, *Secretary.*

**We, the undersigned, chiefs of the Seneca tribe of New York Indians, residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty, as amended by the resolution of the Senate of the United States, on the eleventh day of June, one thousand eight hundred and thirty-eight, and our contract connected therewith, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fairly and fully explained by him to our said tribe in council assembled.**

**Dated September twenty-second, one thousand eight hundred and thirty-eight.**

| | |
|---|---|
| **Captain Pollard** | **his x mark.** |
| **Captain Strong** | **his x mark.** |
| **Blue Eye** | **his x mark.** |
| **White Seneca** | **his x mark.** |
| **George Jimeson** | **his x mark.** |
| **George Bennett** | **his x mark.** |
| **Walter Thompson** | **his x mark.** |

| | |
|---|---|
| Levi Halftown | his x mark. |
| Tommy Jimmy | his x mark. |
| Jim Jones | his x mark. |
| Job Pierce | his x mark. |
| Billy Shanks | his x mark. |
| William Johnson | his x mark. |
| Thomson S. Harris | |
| N. T. Strong | |
| Thomas Jimeson | |
| Ruben Pierce | his x mark. |
| George Bigdeer | his x mark. |
| Samuel Gordon | |
| Long John | his x mark. |
| George Fox | |
| Morris Halftown | his x mark. |
| Jacob Jimeson | his x mark. |
| John Bennett | his x mark. |
| John Seneca | his x mark. |
| John Gordon | his x mark. |
| John Tallchief | his x mark. |
| Tall Peter | his x mark. |
| John Snow | his x mark. |
| John General | his x mark. |
| Sky Carrier | his x mark. |
| James Stevenson | his x mark. |
| Jabez Stevenson | |
| Major Jack Berry | his x mark. |
| Little Johnson | his x mark. |

**Signed and executed by the chiefs in our presence—**
**James Stryker, *United States Sub-Agent.***
**H. P. Willcox.**

### *Warriors.*

| | |
|---|---|
| Charles Greybeard | his x mark. |
| Charles F. Pierce | |
| Spencer H. Cone | |
| David Tall Chief | his x mark. |
| Wm. Tall Chief | his x mark. |
| Charles Seneca | his x mark. |
| Johnson Halftown | his x mark. |
| Billy Dowdy | his x mark. |
| John Hutchison | his x mark. |
| Jonas Halftown | his x mark. |
| Chauncey Lee | his x mark. |
| Nathan Warrior | his x mark. |
| John Sampson | his x mark. |
| Peter Halfwhite | his x mark. |
| Lafayette Brooks | his x mark. |
| James Killbuck | his x mark. |
| William Johnson | his x mark. |
| John Shongo | his x mark. |

| | |
|---|---|
| Peter Sundown | his x mark. |
| John Wilson | his x mark: |
| Taylor Halftown | his x mark. |
| Nicholas Jimeson | his x mark. |
| John Halfwhite | his x mark. |
| Nicholas or Ganeaksquagea | his x mark. |
| George Adams | his x mark. |
| George Wheelbarrow | his x mark. |
| Bill Sundown | his x mark. |
| Lorenzo Sundown | his x mark. |
| John Shanks | his x mark. |
| George Shongo | his x mark. |
| Seneca Shongo | his x mark. |
| John Jimeson | his x mark. |
| Tommy Hemlock | his x mark. |
| Elyeellow Blanket | his x mark. |
| Bill Jonson | his x mark. |
| John Dick | his x mark. |
| Peter Johnson | his x mark. |
| Charles Jimeson | his x mark. |
| John William, of Tonawanda | his x mark. |
| Edward Corning | his x mark. |
| Gilman Clark | his x mark. |
| George Green | his x mark. |
| Thomas Cayuga | his x mark. |
| John Sandford | his x mark. |
| Levi Parker | his x mark. |
| Sackett Warrior | his x mark. |
| Jam Mohawk | his x mark. |
| John Spruce | his x mark. |
| James Joshua | his x mark. |
| John Green | his x mark. |
| Charles Smoke | his x mark. |
| George Thompson | his x mark. |
| Charles Tallchief | his x mark. |
| Rufus Thompson | his x mark. |
| Thomas Greybeard | his x mark. |
| Doctor Johnson | his x mark. |
| Eleck Johnson | his x mark. |
| Hiram Johnson | his x mark. |
| William Green | his x mark. |
| John Decker | his x mark. |
| John Hudson | his x mark. |
| Wm. Johnson, of Tonawanda | his x mark. |
| John Blue Sky | his x mark. |
| Jacob G. Seneca | |
| James Shongo, of Cattaraugus | his x mark. |
| Old Shanks, of Cattaraugus | his x mark. |
| Henry Doxstader | his x mark. |
| Henry Snow | his x mark. |
| Joe Skinjackody | his x mark. |
| Benjamin Williams | |

| | |
|---|---|
| John Jacob | his x mark. |
| George Johnson | his x mark. |
| Wm. Blue Eyes | his x mark. |
| Dickie | his x mark. |
| Amos Pierce | his x mark. |
| John Doxstader | his x mark. |
| John Spencer | his x mark. |
| Geebuck Johnson | his x mark. |
| James Eels | his x mark. |
| Moses Stevenson | |
| David Printup | his x mark. |
| John Green | his x mark. |
| Billy Steuart | his x mark. |
| Joseph Green | his x mark. |
| Isaac Doctor | his x mark. |
| Robert Green | his x mark. |
| George Elkhunter | his x mark. |
| Solomon Green | his x mark. |
| John Brooks | his x mark. |
| William Green | his x mark. |
| John Hall | his x mark. |
| Elijah Snow | his x mark. |
| John Devil | his x mark. |
| Henry Philip | his x mark. |
| William Taylor | his x mark. |
| Stephen Shongo | his x mark. |
| Tonney George | his x mark. |
| Henry Phillips | his x mark. |
| Amos George | his x mark. |
| Asa Bluesky | his x mark. |
| Abram George | his x mark. |
| Young Jackson | his x mark. |
| Henry Ground | his x mark. |
| Wm. John | his x mark. |
| George Bigboy | his x mark. |
| Wm. Bubin | his x mark. |
| Wm. Jimeson | his x mark. |
| Allin Jimeson | his x mark. |
| John Jimeson | his x mark. |
| Asa Tallchief | his x mark. |
| John Squirrel | his x mark. |
| Little Squirrel | his x mark. |
| Thomas Jemison, of Tonawanda. | |
| James Cornplanter | his x mark. |
| William Cleete | his x mark. |
| Joseph Jemison | his x mark. |
| Daniel Carpenter | his x mark. |
| Joshua Turkey | his x mark. |

Signed and executed by the warriors in our presence—
James Stryker, *United States Sub-Agent.*
H. P. Willcox.

## No. 20.

I, Samuel Wilson, a chief of the Seneca nation of New York Indians, residing on the Buffalo reservation, do hereby give, and by these presents declare, my free and voluntary assent to the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, A. D. 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of New York Indians, as the same was amended on the 11th of June, 1838, by the resolution of ratification of the Senate of the United States, and to the Seneca contract or conveyance connected with said treaty; which said treaty, with the amendments, has been submitted and fully and fairly explained to the Seneca nation in council assembled, by said Ransom H. Gillet, commissioner, as aforesaid: And whereas, I, the said Samuel Wilson, having attended the session of said council, and having heard and fully understood the explanations made by said commissioner, and divers causes having operated to suspend the expression of my assent to said amendments until the present time, I do hereby request and authorize the Commissioner of Indian Affairs at Washington, and the said Ransom H. Gillet, commissioner on the part of the United States, or either of them, to affix, or cause to be affixed, my name to the written assent presented for signatures in September last, by said R. H. Gillet, to the Seneca nation assembled in council on the Buffalo Creek reservation, and to annex this, my assent, to said written assent and the documents accompanying the same: And whatsoever shall be so done by them, or either of them, for me in the premises, shall be valid and effectual as my act and deed.

Given under my hand and seal at Buffalo, this 16th day of October, in the year 1838.

SAMUEL WILSON, his x mark [SEAL.]

In the presence of—
George Jemeson, his x mark.
H. B. Potter.

State of New York, } ss:
*Erie county*, }

I, Hezekiah A. Salisbury, a commissioner of deeds for the county of Erie, in the State of New York, do hereby certify that, on this 16th day of October, A. D. 1838, Samuel Wilson, a chief of the Seneca nation of Indians, appeared before me and acknowledged that he had freely and voluntarily executed the within instrument: And, at the same time, appeared before me George Jimeson, also a Seneca chief to me known, who being by me duly sworn, deposed: That he resides on the Buffalo reservation, and was well acquainted with the said Samuel Wilson, and knew him to be the person described in, and who executed the within instrument, and that he is a Seneca chief; that he was present and saw the said Samuel Wilson execute said instrument, and that he subscribed his name thereto as a witness; said George Jimeson being also duly sworn by me as interpreter, deposed, that he was acquainted with both the English and Seneca languages, and that, at the time the said Samuel Wilson executed said instrument, he correctly and truly interpreted to him, in the Indian language, the contents, substance, and meaning of the same, and also that he had truly interpreted to me his acknowledgment thereof as above. At the same time, also appeared before me, Heman B. Potter, of the city of Buffalo, with whom I am personally well acquainted, who being also by me duly sworn, deposed: That he was present and saw the said Samuel Wilson execute the said instrument, and subscribed his name thereto as a witness thereof; that he was well acquainted with him, and knew him to be a chief of the Seneca nation; and that he was also well acquainted with said George Jimeson, the other subscribing witness, and that he is an intelligent Indian.

H. A. SALISBURY,
*Commissioner of Deeds for Erie county.*

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## No. 21.

I, Little Johnson, a chief of the Seneca nation of New York Indians, residing on the Buffalo reservation, do hereby give, and by these presents declare, my free and voluntary assent to the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of New York Indians, as the same was amended on the 11th of June, 1838, by the resolution of ratification of the Senate of the United States, and to the Seneca contract or conveyance connected with said treaty; which said treaty, with the said amendments, has been submitted and fully and fairly explained to the Seneca nation, in council assembled, by said Ransom H. Gillet, commissioner as aforesaid.

And whereas I, the said Little Johnson, having attended the session of said council, and having heard and fully understood the explanations made by said commissioner, and divers causes having operated to suspend the expression of my assent to said amendments until the present time, I do hereby request and authorize the Commissioner of Indian Affairs at Washington and the said Ransom H. Gillet, commissioner on the part of the United States, or either of them, to affix, or cause to be affixed, my name to the written assent presented for signatures, in September last, by said R. H. Gillet, to the Seneca nation assembled in council on the Buffalo Creek reservation, and to annex this, my assent, to said written assent and the documents accompanying the same; and whatever shall be so done by them, or either of them, for me, in the premises, shall be valid and effectual as my act and deed.

Given under my hand and seal, at Buffalo, this tenth day of October, in the year eighteen hundred and thirty-eight.

his
LITTLE x JOHNSON, [L. S.]
mark.

In presence of—
Spencer H. Cone,
John Jemison, his x mark.
Witness:
George Jemison, his x mark.
White Seneca, his x mark.

State of New York, } ss:
*Erie county,* }

I, Hezekiah A. Salisbury, commissioner of deeds for the county of Erie, in the State of New York, do hereby certify that, on this eleventh day of October A. D., 1838, Little Johnson, a chief of the Seneca nation of Indians, appeared before me and acknowledged that he had freely and voluntarily executed the within instrument; and, at the same time, appeared before me George Jimeson, also a Seneca chief, to me known, who, being by me duly sworn as interpreter, deposed that he was acquainted with both the English and Seneca languages; and that, at the time the said Little Johnson executed said instrument, he correctly and truly interpreted to him, in the Indian language, the contents, substance, and meaning of the same; and, also, that he had truly interpreted to me his acknowledgment thereof, as above. At the same time also appeared before me George Jimeson, White Seneca, Spencer H. Cone, and John Jimeson, to me severally known, who, being by me duly sworn, each severally deposed that he knew, and was well acquainted with the said Little Johnson, and knew him to be the person described in, and who executed said instrument, and that he is a Seneca chief; that he was present, and saw the said Little Johnson execute said instrument, and that he subscribed his name thereto as a witness; and that they were, severally, Indians of the Seneca nation. Said Spencer H. Cone did further depose, that he was a resident of the Tonawanda reservation, and the other three witnesses, that they, severally, resided on the Buffalo reservation.

H. A. SALISBURY,
*Commissioner of Deeds for Erie county.*

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## No. 22.

I, John Bark, a chief of the Seneca nation of New York Indians, residing on the Buffalo Creek reservation, do hereby give, and by these presents declare, my free and voluntary assent to the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, A. D. 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of New York Indians, as the same was amended on the 11th June, 1838, by the resolution of ratification of the Senate of the United States, and to the Seneca contract or conveyance connected with said treaty, which said treaty, with the amendments, has been submitted, and fully and fairly explained to the Seneca nation in council assembled, by said Ransom H. Gillet, commissioner, as aforesaid: And whereas I, the said John Bark, having attended the session of said council, and having heard and fully understood the explanations made by said commissioner, and divers causes having operated to suspend the expression of my assent to said amendments until the present time, I do hereby request and authorize the Commissioner of Indian Affairs at Washington, and the said Ransom H. Gillet, commissioner on the part of the United States, or either of them, to affix, or cause to be affixed, my name to the written assent presented for signatures in September last, by said R. H. Gillet, to the Seneca nation assembled in council on the Buffalo Creek reservation; and to annex this my assent, to said written assent and the documents accompanying the same: And whatsoever shall be so done by them or either of them, for me in the premises, shall be valid and effectual as my act and deed.

Given under my hand and seal at Buffalo, this 9th day of October, in the year 1838.

JOHN BARK, his x mark. [L. S.]

In the presence of—
GEORGE JIMESON, his x mark.
ORLANDO ALLEN.

STATE OF NEW YORK, *Erie county,* } *ss:*

I, Hezekiah A. Salisbury, commissioner of deeds for the county of Erie, in the State of New York, do hereby certify, that on this 10th day of October, A. D. 1838, John Bark, a chief of the Seneca nation of Indians, appeared before me, and acknowledged that he had freely and voluntarily executed the within instrument: And at the same time appeared before me George Jimeson, also a Seneca chief, to me known, who being by me duly sworn, deposed that he resides on the Buffalo reservation, and was well acquainted with the said John Bark, and knew him to be the person described in and who executed the within instrument, and that he is a Seneca chief; that he was present and saw the said John Bark execute said instrument, and that he subscribed his name thereto as a witness; said George Jimeson being also duly sworn by me, as interpreter, deposed that he was acquainted with both the English and Seneca languages, and that at the time the said John Bark executed said instrument, he correctly and truly interpreted to him in the Indian language, the contents, substance, and meaning of the same; and also that he had truly interpreted to me his acknowledgment thereof, as above. At the same time also appeared before me, Orlando Allen, of the city of Buffalo, with whom I am personally well acquainted, who being also by me duly sworn, deposed that he was present and saw the said John Bark execute the said instrument, and subscribed his name thereto as a witness thereof; that he was well acquainted with him, and knew him to be a chief of the Seneca nation; and that he was also well acquainted with said George Jimeson, the other subscribing witness, and that he is an intelligent Indian.

H. A. SALISBURY,
*Commissioner of Deeds, Erie county.*

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## No. 23.

I, John Snow, a chief of the Seneca nation of New York Indians, residing on the Buffalo Creek reservation, do hereby give, and by these presents declare, my free and voluntary assent to the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, A. D. 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of New York Indians, as the same was amended on the 11th June, 1838, by the resolution of ratification of the Senate of the United States, and to the Seneca contract or conveyance connected with said treaty; which said treaty, with the said amendments, has been submitted, and fully and fairly explained to the Seneca nation, in council assembled, by said Ransom H. Gillet, commissioner as aforesaid. And whereas I, the said John Snow, having attended the session of said council, and having heard and fully understood the explanations made by said commissioner, and divers causes having operated to suspend the expression of my asssent to said amendments until the present time, I do hereby request and authorize the Commisioner of Indian Affairs at Washington, and the said Ransom H. Gillet, commissioner on the part of the United States, or either of them, to affix, or cause to be affixed, my name to the written assent, presented for signatures in September last, by said R. H. Gillet, to the Seneca nation assembled in council on the Buffalo Creek reservation, and to annex this my assent to said written assent, and the documents accompanying the same; and whatsoever shall be so done by them, or either of them, for me, in the premises, shall be valid and effectual as my act and deed. Given under my hand and seal at Buffalo, this fourth day of October, in the year 1838.

JOHN SNOW, his x mark. [L. S.]

In the presence of
CHARLES F. PIERCE.

STATE OF NEW YORK, } ss:
*Erie county,* }

I, Hezekiah A. Salisbury, a commissioner of deeds for the county of Erie, in the State of New York, do hereby certify, that on this nineteenth day of October, A. D. 1838, Charles F. Pierce, a Seneca Indian, with whom I am some acquainted, appeared before me; who, being by me duly sworn, deposed that he was well acquainted with John Snow, and knew him to be the person described in, and who executed the within instrument, and that he is a Seneca chief; that he was present and saw the said John Snow execute said instrument, and that he subscribed his name thereto as a witness. And said deponent further deposed that he was acquainted with both the English and Seneca languages, and that at the time the said John Snow executed said instrument, he correctly and truly interpreted to him in the Indian language the contents, substance, and meaning of the same. At the same time also appeared before me Heman B. Potter, of the city of Buffalo, with whom I am personally well acquainted, who being also by me duly sworn, deposed that he was well acquainted with the said Charles F. Pierce, and knows him to be the person who was the subscribing witness to the within instrument, and he believes his reputation to be that of an intelligent and respectable young Indian. Said deponent further deposed, that he is acquainted with said John Snow, and that the said John Snow has admitted to him through the said Charles F. Pierce as interpreter, that he had executed the said instrument.

H. A. SALISBURY,
*Commissioner of Deeds for Erie county.*

STATE OF NEW YORK, } ss:
*Erie county, Clerk's Office,* }

I, Cyrus K. Anderson, clerk of said county, certify that Hezekiah A. Salisbury, Esq., whose name is subscribed to the certificates of the proof or acknowledgment of the annexed five instruments and thereon written, was, at the times of taking such proofs and acknowledgments, a commissioner of deeds appointed and sworn and duly authorized to take the same; and further, that I am well acquainted with the handwriting of such commissioner, and verily believe that the signatures to the said certificates of proofs and acknowledgments are genuine.

In testimony whereof, I have hereunto set my hand, and affixed the seal [L. S.] of the said county, the 20th day of October, A. D. 1838.

C. K. ANDERSON, *Clerk.*

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## No. 24.

I, Sky Carrier, a chief of the Seneca nation of New York Indians, residing on the Buffalo Creek reservation, do hereby give, and, by these presents, declare, my free and voluntary assent to the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, A. D. 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of New York Indians, as the same was amended on the 11th June, 1838, by the resolution of ratification of the Senate of the United States, and to the Seneca contract or conveyance connected with said treaty, which said treaty, with the amendments, has been submitted, and fully and fairly explained, to the Seneca nation in council assembled, by said Ransom H. Gillet, commissioner as aforesaid; and whereas I, the said Sky Carrier, having attended the session of said council, and having heard and fully understood the explanations made by said commissioner, and divers causes having operated to suspend the expression of my assent to said amendments until the present time, I do hereby request and authorize the Commissioner of Indian Affairs at Washington, and the said Ransom H. Gillet, commissioner on the part of the United States, or either of them, to affix, or cause to be affixed, my name to the written assent presented for signatures in September last, by said R. H. Gillet, to the Seneca nation assembled in council on the Buffalo Creek reservation, and to annex this, my assent, to said written assent, and the documents accompanying the same; and whatsoever shall be so done by them, or either of them, for me, in the premises, shall be valid and effectual as my act and deed.

Given under my hand and seal at Buffalo, this 27th day of October, in the year 1838.

SKY CARRIER, his x mark. [L. S.]

In the presence of
WHITE SENECA, his x mark.
JOHN JAMESON.

STATE OF NEW YORK, }
*Erie county,* } *ss:*

I, Hezekiah A. Salisbury, a commissioner of deeds for the county of Erie, in the State of New York, do hereby certify that, on this twenty-seventh day of October, A. D. 1838, came before me, White Seneca and John Jameson, Seneca Indians, to me known, who being by me severally duly sworn, deposed, that they are well acquainted with Sky Carrier, and know him to be the same person described in, and who executed, the within instrument in writing, and know him to be a Seneca chief; that they were present and saw the said Sky Carrier execute said instrument, and that they subscribed their names thereto as witnesses. Said White Seneca and John Jameson also further deposed that they are partially acquainted with the English language, and that, at the time the said Sky Carrier executed the said instrument in writing, they were fully acquainted with the contents thereof, and made known to said Sky Carrier fully the contents, substance, and meaning thereof in the Indian language; and that thereupon he executed the same by placing his mark thereto freely, knowingly, and voluntarily.

H. A. SALISBURY,
*Commissioner of Deeds for Erie county.*

STATE OF NEW YORK,
*Erie county, Clerk's Office,* } *ss:*

I, Cyrus K. Anderson, clerk of said county, certify that Hezekiah A. Salisbury, Esq., whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument, and thereon written, was, at the time of taking such proof or acknowledgment, a commissioner of deeds, appointed and sworn, and duly authorized to take the same; and further, that I am well acquainted with the handwriting of such commissioner, and verily believe that the signature to the said certificate of proof or acknowledgment is genuine.

In testimony whereof, I have hereunto set my hand, and affixed the [L. S.] seal of the said county, the 27th day of October, A. D. 1838.

C. K. ANDERSON, *Clerk.*
By R. W. PADELFORD, *Deputy.*

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## No. 25.

I, George Kenjuquide, a chief of the Seneca nation of New York Indians, residing on the Buffalo Creek reservation, do hereby give and by these presents declare my free and voluntary assent to the treaty made and concluded at Buffalo Creek, in the State of New York, on the 15th day of January, A. D. 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, and headmen, and warriors of the several tribes of New York Indians, as the same was amended on the 11th June, 1838, by the resolution of ratification of the Senate of the United States, and to the Seneca contract or conveyance connected therewith, which said treaty, with the amendments, has been submitted and fully and fairly explained to the Seneca nation in council assembled, by said Ransom H. Gillet, commissioner aforesaid.

And whereas I, the said George Kenjuquide, having attended the session of said council, and having heard and fully understood the explanations made by said commissioner, and divers causes having operated to suspend the expression of my assent to said amendments until the present time, I do hereby request and authorize Nathaniel T. Strong, or White Seneca, Seneca chiefs, now at Washington, to affix or cause to be affixed my name to the written assent presented for signatures in September last, by said Ransom H. Gillet, commissioner to the Seneca nation, assembled in council on the Buffalo Creek reservation, and to annex this my assent and power to said written assent and the papers accompanying the same; and whatsoever shall be so done by them or either of them for me and in my name, in the premises, shall be valid and effectual as my act and deed and assent as aforesaid.

Given under my hand and seal at Buffalo, this 10th day of January, in the year 1839.

his
**GEORGE x KENJUQUIDE.**
mark.

In presence of—
JOHN JAMESON.

STATE OF NEW YORK, } ss:
*Erie county,* }

On this 11th day of January, A. D. 1839, came before me, John Jameson, a Seneca Indian, to me well known, who being by me duly sworn, did depose, that he knew the Indian chief, George Kenjuquide, otherwise called Kenjokady, to be the same person described in, and who executed the foregoing instrument in writing; that he saw him sign the same; at the same time he put his own name thereto as a subscribing witness. Said John Jameson further deposed, that he is acquainted with both the Seneca and English languages, and at the time of executing said instrument he made known to said George Kenjuquide, in the Seneca language, the contents, meaning, and intent of said instrument.

**H. A. SALISBURY,**
***Commissioner of Deeds for Erie county.***

STATE OF NEW YORK, } ss:
*County of Erie,* }

I, Cyrus K. Anderson, clerk of the county of Erie, and also clerk of the court of common pleas for said county, do hereby certify, that Hezekiah A. Salisbury, whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument, and thereon written, was, at the time of taking such proof or acknowledgment, a commissioner of deeds in and for the county aforesaid, dwelling in the said county, commissioned and sworn, and authorized to take the same. And, further, that I am well acquainted with the handwriting of such commissioner, and verily believe that the signature to the said certificate of proof or acknowledgment is genuine.

**In testimony whereof, I have hereunto set my hand, and affixed the seal [L. S.] of the said court and county, the eleventh day of January, A. D. 1839.**

**C. K. ANDERSON, *Clerk.***

67-232

25TH CONGRESS, [CONFIDENTIAL.] 3d Session.

# LETTER

FROM

# R. B. HEACOCK,

STATING

*That deception and fraud had been used in obtaining the assent of the chiefs to the treaty with the New York Indians, as amended by the resolution of the Senate of the 11th of June, 1838.*

JANUARY 23, 1839.

Read, and ordered to be referred to the Committee on Indian Affairs, and printed, in confidence, for the use of the Senate.

BUFFALO, *January* 15, 1839.

SIR: In behalf and at the request of an injured and oppressed people, I take the liberty to address you. The remnants of the Six Nations of Indians, once a proud, powerful, and warlike nation, our allies in the war of the revolution, and who also rendered us much assistance in the last war with Great Britain, are now most shamefully insulted and oppressed, not only by a commissioner under the sanction of Government, but have, within a few days, been cheated by one of their professed friends, who had been employed by them in taking testimony and obtaining a history of the transactions during the pendency of the late councils of the nations relative to selling their lands.

About ten days since, this attorney, as they say, delivered over to one of the delegates all the papers relative to their defence against the unjust proceedings against them. He, their attorney, then went with them and took a seat in the stage, avowedly for the purpose of going with them to Washington. About sixty miles from this city the delegates examined the bag in which the papers were put, and found that it had been exchanged for another, and their papers were consequently all gone. They think the attorney did it or procured some person to do it. At the time the papers were missing he was found in company with one of the pre-emption company. The delegates have returned to Buffalo, defrauded of all their papers. This attorney had received, from the small contributions of the nations, one thousand dollars in cash, and has now not only abandoned them, but deprived them of their evidence of the various frauds which have been practised upon them. There was evidence of bribery and (as they say) forgery to an extent unparalleled in the history of treaty making. This subject was before the Senate last year, and the commissioner was requested to present it again and explain it to the nations in council, and obtain their *voluntary* assent to the same. After the commissioner had held a council for a number of weeks, and after the chiefs had repeatedly requested him

Blair & Rives, printers.

to lay the amendments before them, and urging that they might have the privilege of giving their assent or dissent in open council, the papers were laid upon the council-table, and seventeen only out of more than ninety chiefs gave their assent to the Senate's amendments; and it is confidently asserted by the majority of the chiefs, that not one individual signature was obtained voluntarily, but only by means of bribery. Sums have been offered, and in part paid, varying from one to five thousand dollars, for the signatures of individual chiefs. Names have been obtained since the council in a manner most shameful and disgraceful to an honorable and high minded nation, by sending emissaries through the nation, and, by misrepresentation and fraud, operating upon the weak and intemperate, inducing them to give their signatures, in an unlucky moment, to papers of whose contents they were ignorant.

One fact of recent occurrence has lately been told me by the Seneca chiefs. They have been kept out of their annuities for almost two years; have suffered extremely for the last two winters, and have been aided by a charitable public to keep them from starvation, while the Government were owing them by solemn treaty. They were kept out of this money by their agent, and others engaging in cheating them out of their lands, until the department, late in the fall, ordered peremptorily that they should be paid. Through the management of some of these vultures, they had that money deposited in one of our banks to the credit of five chiefs, *four* of whom are the tools of these land-pirates, and *one* belongs to the non-emigration party. The four refuse to draw the money, and the poor Indians are now suffering all but starvation, while the money is locked safe in bank by this pitiful trick, which the Indians did not understand when the money was put in bank. By this procedure the non-emigration party are debarred the means of carrying on their measures of opposition to the treaty, their proportion of money in bank to that of the emigration party being about as seven to one. And to crown all, the evidence they have with great labor and expense collected in relation to the above facts, has been taken out of their hands by the treachery of their attorney.

The chiefs now earnestly implore every friend of humanity in the Senate of the United States to give them an opportunity to again collect the facts in this, to them, all-important matter, and not have their possessions taken from them by fraud and misrepresentation.

Very respectfully, your obedient servant,

**R. B. HEACOCK.**

**Hon. A. ROBBINS, *United States Senate.***

off to their old village, and commenced a destructive war upon the white settlements, which continued until June or July 1815. – The presumption is from the statements in the petition that the Indians who are represented to have inflicted the injuries in April 1815 are hostile – The Pottawatomies were at war at that time. The treaty of peace between them and the United States is dated 18 July 1815.

Very respectfully &c
T. Hartley Crawford

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80. Hon
J. R. Poinsett,
Secretary of War

War Department,
Office Indian Affairs
January 25, 1839.

Sir:

On the 30th November last communications of the 21 and 22d. of that month were received at this office, from the Hon R. H. Gillet, stating that he was unexpectedly called on by two Oneida Chiefs who resided at Green Bay, and informed by them that two other Chiefs were on their way, in conjunction with them
gociate a treaty by which the Oneidas should be authorized to remove south-west of Missouri, and that if they could not negociate with him they would proceed to Washington. They exhibited to him a power of attorney from the "Headmen, Chiefs and individuals of the Oneida nation of Indians, being near Green Bay," dated 23. October 1838, authorizing them to act as a delegation from the above, among other purposes.

The 2d. article of the treaty, of 3d. February 1838, gave to each individual of the First Christian and Orchard parties of Indians at Green Bay 100 acres of land, "to be held as other Indian lands are held," and these they proposed to exchange for 320 acres each West of the Mississippi.

The act of 28 May 1830 authorized the President to treat with any Indians East of the Mississippi, upon the basis proposed by the Oneidas, and instructions were on the 14. December last given to Mr Gillet to negotiate with them for a cession of their lands, of 100 acres each – In consideration whereof he was authorized to engage that the United States would pay for any improvements that added value to the land – to stipulate for 320 acres to each individual west of the Mississippi, and for their removal in 8 months after the ratification of the treaty – that the United States would pay them "a sum of money, bearing the same proportion to the number of them that shall emigrate as $400,000 bears to the New York Indians, according to the 13. article of the treaty of 15 January 1838, as amended by the Senate of the United States, on 11 June 1838," and for the same purposes, and that the expenses of the four chiefs, now in the State of New York, during the negotiation, should be paid by the United States, as well as a reasonable allowance made for their return home.

In pursuance of these instructions, a treaty was concluded at Buffalo, on the 17. December 1838, between Mr. Gillet on behalf of the United States, and the Oneida Indians residing at Green Bay. The first six articles are in conformity with the instructions. The seventh article contains stipulations for a guarantee of their lands, which, perhaps, were unnecessary, and there is a provision as to the establishment of their own forms of government and the enactment of their own laws. The eighth contains an important provision by which all the New York Indians at Green Bay may avail themselves of the advantages of the treaty upon a surrender of their reservations to the United States. The ninth relates to their annuities, and the 10th. respects a ratification of the first six articles, and a rejection of the last four.

The 100 acres reservations at Green Bay, are individual property, and hence the resort to the letter of attorney. The treaty appears to have been signed by the four Chiefs empowered so to do, but in reality was executed by only two of them, viz: as appears by Mr. Gillet's report. Those two claiming to have authority from, and signing the names, of the others, who were understood to have been detained by sickness. This compact I have no doubt was entirely fair; the names of the witnesses to its execution forbid a contrary presumption. One of them is Genl. H. A. S. Dearborn of Boston, who was present as the agent of the State of Massachusetts in another negotiation. It is, however, as a legal instrument invalid, for the authority conferred is joint, and it is a well settled principle that any number short of the whole cannot execute such a power. Still as the treaty cannot be enforced, and rests for its consummation not only on the acquiescence of the individual reservees, but requires that they shall severally do a positive act under the 3d. article of the treaty, viz: shall cede and relinquish each for himself his 100 acres, it would seem to me it might receive such conditional sanction as the judgment of the Senate shall prescribe. It is the power of the Indian to withhold his assent, and maintain his present position which induces me to submit it for consideration — without this reserved right I should think it ought not to be laid before the Senate.

I send copies of the instructions to Mr Gilbit and of his report, and with them transmit the letter of attorney and treaty.

I have the honor to be,
Very respectfully &c
T. Hartley Crawford

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135. To the
77. President of the U. States.

War Department,
January 25, 1839.

Sir:

The treaty which I have the honor to transmit herewith, was negotiated, with the Chiefs and Headmen of the Omaha, Iowa and Otoe tribes, and sanctioned by the Yancton and Santie Bands of Sioux, under the following circumstances:

The tribes and bands above mentioned, in order to provide for their half-breeds, purchased from the Otoes a tract of land which, in the treaty of July 15. 1830, they conveyed to the half-breeds and by this act constituted the United States trustee of this property for the use of the latter. It was found however that this cession did not afford that relief to the half-breeds which it was intended by the Indians to extend to them and they therefore desired to cede it to the United States for a valuable consideration. As it is deemed important to the future location of the tribes South of the Missouri to possess this land, the Agent of the United States was authorized to treat for it, and in consequence of these instructions this treaty was made including likewise the relinquishment of certain hunting privileges formerly granted to these Indians and which have proved a fruitful source of Indian hostilities. The treaty appears to me advantageous to both parties; but it wants the consent of the Half-breeds to render it perfect: for however valuable the consideration they are to receive it does not appear just that the land ceded to them in 1830 should now be conveyed away without their consent being first obtained.

The tract of land to be acquired by this treaty is situated on the South side of the Missouri, and lies between the Great and Little Nemahaw rivers, containing an area of about 140.000 acres. The number of half-breeds is estimated not to exceed 130.

1mo 23
1839

1-23-1839

To Martin Van Buren President of the U.S.

Respected friend,

In the early part of last Spring we had the privilege of an interview with thee, respecting the Treaty said to have been made with certain chiefs of the Seneca Nation of Indians the provisions of which deeply affected [at the time concluded] a portion of that tribe under the care of our religious Society [illegible] the modifications proposed by the Senate in the conditions of the instrument, were such, that we hoped those poor people would not again have been harassed by attempts to dispossess them, or at least that such of them as chose to remain where they are would have been permitted to do so, as is evidently contemplated by the amendments. It seems however that the Commissioner of the United States ~~thought proper to~~ submitted the amended instrument to the four bands Buffalo, Tonnewanda, Allegheny & Cattaraugus Indians in one general council [illegible] by the Senate's amendment ~~[illegible]~~, and after ~~[illegible]~~ [limited to an interval] of some weeks ~~[illegible]~~, his persuasions & minute ~~only~~ procured only sixteen signatures in favor of the Treaty, while upwards of sixty [illegible] ~~remonstrance~~ against it, which was intercepted by Gen. Dearborn Agent further state [illegible]

~~The Commissioner [illegible] [illegible] he [illegible] the [illegible] been [illegible]~~ [illegible] ~~[illegible]~~ notwithstanding the opposition ~~[illegible]~~ ~~manifested~~ by the nation to the Treaty, they were informed

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that the commissioner designed proceeding with it to
Washington ~~in order~~ to procure the assent of the President
to its ratification, & feeling that such a procedure would
inflict great injustice and wrong or hardship upon
them, they appointed Seneca White, Israel Jemison,
John Kennedy & Maris B. Pierce a delegation to
represent their objections to the President and to pre-
sent him with their Remonstrance. —

After leaving their home to fulfil this duty, their papers procured
were taken from them under circumstances which afford
strong grounds for believing ~~they were betrayed and~~ they have been betrayed,
dishonestly deprived of them, and they are now placed
in a very unpleasant and perplexing predicament, from the
fear that they ~~[illegible]~~ may be deprived of the ~~[illegible]~~
~~have the~~ opportunity of replacing their documents, &
obtaining a hearing. —

~~The unprotected~~ helpless condition of these poor people, strug-
gling against a powerful and popular party, has often
called forth our lively sympathy and commiseration, and
the present pitiable dilemma in which they are
placed as we believe by the artifices of designing men, induces
that if the facts we have before [illegible] are true [illegible] sufficient to [illegible]
and to ask ~~that~~ the President will keep them on hand to
suspend his decision
~~[illegible]~~ until ~~they have~~ time be allowed
them to replace their lost papers and to lay before him ~~[illegible]~~
statements of the unfair means & [illegible] used
to induce their chiefs to sign an instrument ~~[illegible]~~
contrary to the will & wishes of four fifths of the Nation

We trust that in consideration of the peculiar circum

ces which

of the

this people

they are

1-28-1839

25th Congress, [Confidential.] *3d Session.*

# LETTER

FROM

# THE SECRETARY OF WAR,

TRANSMITTING

*To the Committee on Indian Affairs of the Senate, a communication from Samuel Bettle and Thomas Evans, stating that unfair means had been used in obtaining the assent of the New York Indians to the treaty with them, as amended by the Senate, and requesting that a decision on the treaty be suspended, &c.*

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January 28, 1839.

Referred to the Committee on Indian Affairs, and ordered to be printed, in confidence, for the use of the Senate.

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War Department, *January* 26, 1839.

Sir: I have the honor to lay the accompanying letter from Messrs. Bettle and Evans before the Committee on Indian Affairs, in compliance with the endorsement thereon, of the President of the United States.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. John Tipton,
*Chairman Committee Indian Affairs, Senate.*

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*To Martin Van Buren, President of the United States:*

Respected Friend: In the early part of last spring we had the pleasure of an interview with thee, respecting a treaty said to have been made with certain chiefs of the Seneca nation of Indians, the provisions of which deeply affected a portion of that tribe who have long been under the care of our religious society.

The modifications proposed by the Senate, in the conditions of that instrument, were such that we hoped these poor people would not again be harassed by attempts to dispossess them, or at least that such of them as chose to remain where they are would be permitted to do so, as is evidently contemplated by the amendments. It seems, however, that the commissioner of the United States submitted the amended instrument to the four bands, Buffaloes, Tonnawandas, Alleghenies, and Cattaraugus Indians, in one general council, which does not appear to be contemplated by the Senate's amendment, and, after it had continued some weeks, his persua-

Blair & Rives, printers.

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1-28-1839

sions and menaces procured only sixteen signatures in favor of the treaty, while upwards of sixty signed a remonstrance against it, which was witnessed by General Dearborn, agent for the State of Massachusetts.

This decisive expression of the voice of the nation must, we think, according to the proviso of the Senate, be considered as an entire rejection of the treaty, rendering both that and the amendments invalid and null.

The proviso states that "the treaty shall be of no force or effect, nor shall the Senate be understood to have assented to any of the contracts connected with it, until the whole shall have been submitted and fully and fairly explained to *each* of the said tribes or bands separately assembled in council, and they have given their *free* and *voluntary assent thereto.*" Instead of giving their free and voluntary assent when assembled, the nation, by the voice of a large majority of its chiefs, rejected the treaty and amendments, and any proceedings afterwards, *out of council*, must be considered entirely nugatory, being contrary to the provision of the Senate. That the commissioner himself considered it so seems evident from his adjourning the council, to be called again at an early day, in order to get more names, but he has never since convened the council, doubtless because he found the opposition to the treaty too great to afford the hope of getting more to sign it there.

Notwithstanding the general and decided opposition evinced by the nation to the treaty, they were informed that the commissioner designed proceeding with it to Washington to procure the assent of the President to its ratification, and feeling that such a procedure would inflict great injustice as well hardship upon them, they appointed Seneca White, Israel Jimeson, John Kennedy, and Maris B. Pierce, a delegation to represent their objections to the President, and to present him with their remonstrance.

After leaving their homes to fulfil this duty, their papers were taken from them under circumstances which furnish strong ground for believing they were dishonestly deprived of them, and have been betrayed; and they are now placed in a very unpleasant and painful predicament, from the fear that they may be deprived of the opportunity of replacing their documents and obtaining a full hearing.

The unprotected and helpless condition of these poor people, struggling against a powerful and popular party, has often called forth our lively sympathy and commiseration; and the pitiable dilemma in which they are at present placed, as we believe, by the artifices of designing men, induce us to ask the President that, if the facts we have before stated are not deemed sufficient to quash the treaty, he will be pleased to suspend his decision until time be allowed the Indians to replace their lost papers, and to lay before him their statements of the unfair means used to induce their chiefs to sign an instrument so notoriously contrary to the will and wishes of four-fifths of the nation.

We trust that, in consideration of the peculiar circumstances of the case, and the ruinous consequences which must result to the nation from the ratification of the treaty, the President will be pleased to grant this request, and to protect the rights of this defenceless people from the injuries with which they are threatened.

We are, very respectfully, thy friends,

SAMUEL BETTLE,
THOMAS EVANS.

PHILADELPHIA, 1st mo: 23d, 1839.

Contrary to the will & wishes of four fifths of the Nation

We trust that in consideration of the peculiar circumstances of the Case, and the ruinous consequences which must result to the Nation from the ratification of the Treaty the President will be pleased to grant this request, and to protect the rights of this defenceless people ~~portion of his~~ ~~[illegible]~~ from the injuries with ~~wrongs~~ which they are ~~[illegible]~~ threatened. —
~~from the execution of [illegible]~~

We are very respectfully &c

Philad^a 1 mo 23 1839

1-30A-1839

**25th Congress,** [Confidential.] **3d *Session*.**

# IN EXECUTIVE SESSION, SENATE UNITED STATES.

JANUARY 30, 1839.

**Mr. Robbins submitted the following resolutions; which was ordered to be referred to the Committee on Indian Affairs, and printed, in confidence, for the use of the Senate.**

***Resolved***, That the treaty transmitted to the Senate by the President in his message of the 22d of January 1839, entitled, "A treaty, as amended by the Senate, and negotiated with the New York Indians," be suspended, and no further action be had thereon till the next session of Congress.

***Resolved, further***, That the Committee on Indian Affairs be, and hereby are, instructed to investigate the manner in which the commissioner, appointed to negotiate said treaty, has negotiated the same: whether in conformity with, or in violation of, the true intent and meaning of the resolution of the Senate attached to said amended treaty, in the words following, to wit:

"***Resolved, further***, (two-thirds of the Senators present,) That the Senate advise and consent to the ratification of the supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, January the 15th, 1838, which was made at the council-house of St. Regis, on the 13th day of February, 1838: *Provided*, The chiefs and headmen of the St. Regis Indians residing in New York will, in general council, accept and adopt the aforesaid treaty as modified by the preceding resolution of ratification.

"***Provided always, and be it further enacted***, (two-thirds of the Senators concurring,) That said treaty shall have *no force or effect whatever*, as it relates to any of said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted, and fully and fairly explained by the commissioner of the United States to each of said tribes or bands, separately assembled in council, and they have given their free and voluntary consent thereto; and if one or more of said tribes or bands, when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon them so assenting, although other or others of said bands or tribes shall not give their assent, and thereby cease to be parties thereto: *Provided, further*, That if any portion or part of said Indians do not emigrate, the President shall retain a proper proportion of said sum of four hundred thousand dollars, and shall also deduct from the quantity of land allowed west of the Mississippi, such number of acres as will leave to each emigrant three hundred and twenty acres only."

And also to investigate the manner and means by which the several signatures of said Indian chiefs to said treaty have been procured and obtained.

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Blair & Rives, printers.

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And that said committee be vested with full powers to send for persons and papers, and to carry on said investigations either here or at Buffalo, or both, as they may find it most expedient and proper.

And that said committee be instructed to report their proceedings, and the result of their investigations in the premises, to the Senate as soon as conveniently may be.

1-30-1839

**25th Congress,** [Confidential.] **3d Session.**

# LETTER

FROM

## THE SECRETARY OF WAR TO HON. HUGH L. WHITE,

TRANSMITTING

***A petition of a delegation of the Seneca Indians, stating that unfair means had been used to obtain the assent of the Indians to the treaty as negotiated with the New York Indians, and amended by the Senate, and praying that the Senate may suspend action upon the said treaty.***

January 30, 1839.

Submitted by Mr. White, and ordered to be referred to the Committee on Indian Affairs, and printed, in confidence, for the use of the Senate.

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War Department, *January* 29, 1839.

Sir: I have the honor to transmit, herewith, by direction of the President of the United States, an address and petition of a delegation of Indians of the Seneca nation, together with all the papers therein alluded to, relating to their unwillingness to part with their lands in the State of New York.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. H. L. White,
*Chn. Com. on Indian Affairs, Senate.*

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*To his excellency Martin Van Buren, President of the United States:*

The petition of the undersigned Indians of the Seneca nation,

Humbly showeth:

"Father: That your petitioners are a delegation from the Seneca Indians, residing at the Buffalo, Tonawanda, Cattaraugus, and Allegany reservations, duly appointed by letters of attorney (which are herewith submitted) to represent to you, our great father, the unwillingness of our nation to part with the main portion of lands or the few reserves in our possession in the State of New York.

"Mr. Gillet, the commissioner of the United States, came to Buffalo last autumn, and called a council, in which he laid before the Indians the amendments proposed by the Senate of the United States to an instrument called [illegible]

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a treaty, which had been signed by some of our chiefs a year ago, but to which the nation then was, and still contines to be, very much opposed.

Father: The chiefs assembled in council deliberated upon the proposals made by the commissioner, and determined not to adopt them. After remaining several weeks in council, his threats and persuasion induced sixteen chiefs only to sign the instrument.

The chiefs who were opposed to the terms of the said instrument, prepared a remonstrance against it, and requested the commissioner to witness the signing of it, which he refused to do. It was signed, however, by upwards of sixty of our chiefs, and General Dearborn, the superintendent, who attended the council in behalf of the State of *Massachusetts*, also signed it as a witness.

Father: After the commissioner found he could get no more signatures, he covered up the council fire, saying he should open at again before long, for the purpose of getting more signatures; but he has never since uncovered the council fire, though he has spent much time at Buffalo.

One of the amendments made by the Senate to the former instrument, declares "that this treaty shall *have* no force or effect whatever, as it relates to any of the said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted and fully and fairly explained by a commissioner of the United States, to each of the said tribes or bands, separately assembled in council, and they have given their free and voluntary assent thereto."

Father: That our people "have not given their free and voluntary assent thereto," we think is apparent from the fact, that of all the chiefs in our nation the commissioner could obtain the signatures of only sixteen in council; and whatever names he has since procured have been by unfair means, and not being done "in council," and, therefore, contrary to the above *resolve* of the Senate, as well as the long-settled custom of our nation, must be of no effect; especially in face of the fact, that it was again and again declared to the commissioner in council, that the nation would not consent to the treaty, or the amendments, but wished to remain where they are; and the commissioner held the council from day to day for weeks together, in order to induce our chiefs to alter their minds, but could not prevail with them to do so.

Father: The remonstrance of our nation, and the affidavits in support of the statements it contains, have been stolen from us since we left our homes to come to Washington, which places us before your excellency in an awkward and painful situation. The accompanying affidavits will explain to you the manner in which we lost our papers; and as General Dearborn took a copy of your remonstrance, we beg of your excellency to delay your decision upon the treaty, until we can have time to procure a certified copy of it from him; and, also, to replace such of the other papers as can be supplied, and until we can have the opportunity of being heard respecting the improper and unfair manner in which the council was conducted, and the signatures to the treaty obtained.

Father: We earnestly entreat you to listen to our petition and grant our request; and not consign our nation, now a feeble and defenceless remnant, to the cupidity of men who covet our land, and are using every ingenious artifice to wrest it from us. It is to you, as our great father, that we look and implore your protection in the peaceable enjoyment of our homes and the graves of our fathers, secured to us by treaties heretofore solemnly made and ratified.

SENECA WHITE,
ISRAEL JEMISON, his x mark
MARIS B. PIERCE,
JOHN KENNEDY, Jr.

WASHINGTON CITY, *January* 25, 1839.

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BUFFALO CREEK RESERVATION,
*September* 7, 1838.

OUR GREAT FATHER: The undersigned, sachems, chiefs, and residents of the Seneca nation of Indians, now convene in council of said nation, and in behalf of the chiefs of the said Seneca nation and ourselves: That after a full and fair explanation of the treaty, with its amendments, has been given by *Mr. Gillet*, a formal and customary decision has been made in open council, and in the presence of the commissioners: That we, being *wholly* and *unitedly* opposed and unwilling to emigrate, take this method and this opportunity of expressing our determination to that effect.

In addition to this, we pray earnestly that the commissioner may be instructed from the Executive Department to close the sitting of the council; for our fields are now suffering, and our crops may be spoiled.

We are your *friends* and children,
Little Johnson, his x mark.
Seneca White, his x mark.
Henry Two Guns, his x mark.
Blacksmith, his x mark.
William Patterson, his x mark.
Young Chief, his x mark.
Jacob Blacksnake, his x mark.
John Luke, his x mark.
Blue Sky, his x mark.
John Pierce, his x mark.
Oliver Silverheels, his x mark.
William Jones, his x mark.
Daniel Two Guns,
Maris B. Pierce.

Done in presence of—
ZACHARIAH L. JIMESON.

To MARTIN VAN BUREN,
*President of the United States.*

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BUFFALO, *January* 3, 1839.

SIR: We, the undersigned, chiefs of the Seneca nation of Indians, respectfully represent to your excellency: That we are appointed, by those of our nation opposed to the treaty now under consideration, as a delegation, to proceed to Washington, for the purpose of opposing said treaty:

That Mr. Gillet, the agent on the part of the Government, has already left this place for Washington, with the papers prepared on the part of those in favor of emigration: That one of our number of delegates is now absent, and that he has charge of all the papers prepared on the part of those who are opposed to emigration. We shall leave this place for Washington to-morrow, or the day after; and we humbly request your excellency to suspend your opinion on the subject of the treaty until our arrival, and until we can be heard.

With the highest respect, we are your humble servants,

ISRAEL JEMISON, his x mark.
SENECA WHITE, his x mark.

To his excellency MARTIN VAN BUREN.

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Know all men by these presents, that we, the undersigned, chiefs and sachems of the Seneca nation of Indians, residing in the Tonawanda reservation in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, have made, constituted, and appointed, and, by these presents, do make, constitute, and appoint the said Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, our true and lawful attorneys, that they, or any three of them, may for us, and in our names, and in our stead, appear before the President of the United States, the Senate of the United States, and the Judges of the Supreme Court of the United States, and all other executive, legislative, and judicial officers of the United States, for the purpose of opposing the ratification of the treaty now under consideration by the President of the United States, and for the purpose of effecting the removal of the *present Indian agent*, in whom we have no confidence; and also to do all things touching or connected with the aforesaid objects as fully and effectually as we ourselves might do, were we personally present: And we also *autherize* and *empower* any three of our above named attorneys to sign for us, and in our names, any paper or papers touching the objects above set forth, with the same effect as if we ourselves were personally present signing the same.

In witness whereof, we have hereunto set our hands and seals this 6th day of January, A. D. 1839.

Jemmy Johnson, his x mark. [L. s.]
Black Chief, his x mark. [L. s.]
Black Smith, his x mark. [L. s.]
Blue Sky, his x mark. [L. s.]
Jesse Spring, his x mark. [L. s.]
John Sky, his x mark. [L. s.]
John Luke, his x mark. [L. s.]
James Washington, his x mark. [L. s.]
John Bigfire, his x mark. [L. s.]
Jesse Tiffany, his x mark. [L. s.]
Samuel Parker, his x mark. [L. s.]
James Williams, his x mark. [L. s.]
Lewis Poodry, his x mark. [L. s.]
Jesse Tiffany, his x mark. [L. s.]

Signed and sealed in presence of—
GEORGE KENJOCKETY, his x mark.

Know all men by these presents, that we, the undersigned, chiefs and sachems of the Seneca nation of Indians, residing on the Allegany reservation, in the State of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, have made, constituted, and appointed, and by these presents do make, constitute, and appoint the said Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, our true and lawful attorneys, that they, or any three of them, may, for us and in our names and, in our stead, appear before the President of the United States, the Senate of the United States, and the Judges of the Supreme Court of the United States, and all other executive, legislative, and judicial officers of the United States, for the purpose of opposing the ratification of the treaty, now under consideration by the President of the United States; and for the purpose of effecting the removal of the present Indian agent, in whom we have no confidence; and also to do all things, touching or connected with the aforesaid objects, as fully and effectual as we, ourselves, might do, were we personally present: and we also authorize and empower any three of our above named attorneys, to sign for us, and in our names, any paper or papers touching the objects above set forth, with the same effect as if we, ourselves, were personally present, signing the same.

In witness whereof, we have hereunto set our hands and seals, the 7th day of January, A. D. 1839.

Moses Pierce, his x mark [l. s.]
Charles Obail, his x mark [l. s.]
Governor Blacksnake, his x mark [l. s.]
James Robinson, his x mark [l. s.]
John Pierce, his x mark [l. s.]
James Shongo, his x mark [l. s.]
Sky Pierce, his x mark [l. s.]
Tunis Halftown, his x mark [l. s.]
William Patterson, his x mark [l. s.]
Robert Watt, his x mark [l. s.]

Witness to the ten signatures on this paper.
William Hall.

Jacob Blacksnake, his x mark [l. s.]
David Snow, his x mark [l. s.]
George Kilback, his x mark [l. s.]
Isaac Halftown, his x mark [l. s.]

The four signatures above, signed and sealed in the presence of—
John Boardman.

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Know all men by these presents, that we, the undersigned, chiefs and sachems of the Seneca nation of Indians, residing on the Cattaraugus reservation, in the State of New York, reposing special confidence in the integrity and ability of Israel Jamison, Seneca White, Maris B. Pierce, and John Kennedy, have made, constituted, and appointed, and by these presents do make, constitute, and appoint the said Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, our true and lawful attorneys, that they, or any three of them, may, for us and in our names and in our stead, appear before the President of the United States, and the Judges of the Supreme Court of the United States, and the Senate of the United States, and all other executive, legislative, and judicial officers of the United States, for the purpose of opposing the ratification of the treaty, now under consideration by the President of the United States; and for the purpose of effecting the removal of the present Indian agent, in whom we have no confidence; and also to do all things touching or connected with the aforesaid objects, as fully and effectually as we, ourselves, might do, were we personally present: and we also authorize and empower any three of our above named attorneys, to sign for us, and in our names, any paper or papers touching the objects above set forth, with the same effect as if we, ourselves, were personally present, signing the same.

In witness whereof, we have hereunto set out hands and seals, this 8th day of January, A. D. 1839.

| | | |
|---|---|---|
| Young Chief, | his x mark | [L. S.] |
| Isaac Davis, | his x mark | [L. S.] |
| John Dennis, | his x mark | [L. S.] |
| John Cook, | his x mark | [L. S.] |
| Oliver Silverheels, | his x mark | [L. S.] |
| George Silverheels, | his x mark | [L. S.] |
| George Deer, | his x mark | [L. S.] |
| George Dennis, | his x mark | [L. S.] |

Signed and sealed in the presence of—

Asher Bliss, *witness of the first five, and of three others also.*

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Know all men by these presents, that we, the undersigned, chiefs and sachems of the *Seneca* nation of Indians, residing on the Buffalo Creek reservation, in the *State* of New York, reposing special confidence in the integrity and ability of Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, have made, constituted, and appointed, and by these presents do make, constitute, and appoint the said Israel Jemison, Seneca White, Maris B. Pierce, and John Kennedy, our true and lawful attorneys, that they, or any three of them, may, for us and in our names and in our stead, appear before the President of the United States, the Senate of the United States, and the Judges of the Supreme Court of the United States, and all other executive, legislative, and judicial officers of the United States, for the purpose of opposing the ratification of the treaty, now under consideration by the President of the United *States*; and for the purpose of effecting the removal of the present Indian agent, in whom we have no confidence; and also to do all things touching or connected with the aforesaid objects, as fully and effectually as we, ourselves, might do, were we personally present: and we also authorize and empower any three of our above named attorneys, to sign for us, and in our names, any paper or papers touching the objects above set forth, with the same effect as if we, ourselves, were personally present, signing the same.

In witness whereof, we have hereunto set our hands and seals, this 14th day of January, A. D. 1839.

| | | |
|---|---|---|
| Big Kettle, | his x mark | [L. S.] |
| Henry Two Guns, | his x mark | [L. S.] |

his x mark [L. S.]
Mark Charl, his x mark [L. S.]
William Krouse, his x mark [L. S.]
George Kenjokety, [L. S.]
David White, his x mark [L. S.]
John Snow, his x mark [L. S.]
Sky Carrier, his x mark [L. S.]
John Bark, his x mark [L. S.]
John Kennedy, his x mark [L. S.]
John Tall Chief, his x mark [L. S.]
William Jones, his x mark [L. S.]
John Green Blanket, [L. S.]

Signed and sealed in the presence of—
JANUARY 14, 1839.
Asher Wright.

These three signatures and seals were affixed to this instrument, in my presence, this day.
JANUARY 15, 1839.
Asher Wright.

Adam Doxtator, his x mark [L. S.]
Jacob Bennett, his x mark [L. S.]
John Hudson, his x mark [L. S.]

These three signatures and seals were affixed, in my presence, this day, by Jacob Bennett, acting as their attorney.
JANUARY 15, 1839.
Asher Wright.

Jack Berry, his x mark [L. S.]
Joe Hemlock, his x mark [L. S.]
John General, his x mark [L. S.]

This signature and seal were affixed, in my presence, this day.
JANUARY 15, 1839.
Asher Wright.

George Lindsey, [L. S.]

This signature and seal were also affixed to this instrument, in my presence, this day.
JANUARY 15, 1839.
Asher Wright.

Daniel Two Guns, [L. S.]

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STATE OF NEW YORK, } ss:
*County of Erie,* }

John Kenedy, one of the Seneca nation, residing on the Buffalo Creek reservation, in the county of Erie and State of New York, being duly sworn, doth depose and say, that on or about the first of March last, at a council of the chiefs and sachems of the Seneca nation who are opposed to the ratification of the treaty for the purchase of the lands of the nation lying in the said State of New York, and the removal of the said nation to lands beyond the Mississippi, this deponent was appointed the agent of that part of the nation opposed to said treaty, with power and instructions to take such measures for opposing the said treaty as should be deemed advisable by this deponent, and should have the sanction of the said chiefs and sachems; and particularly to carry into effect the plans already agreed upon for that purpose; that as such agent, this deponent, with the consent of said chiefs and sachems, retained and employed Mr. Charles B. Gold, of the city of Buffalo, attorney at law, to act as the attorney and counsel of this deponent and the said chiefs and sachems in preparing and maturing their measures of opposition to the treaty; that Mr. Gold, as such attorney and counsel, attended the councils of the nation which were held during the past summer for considering the treaty; that he drew up various remonstrances against the ratification of the treaty, which were signed by sixty-eight of the chiefs and sachems of the nation and by those of the warriors opposed to the treaty, both those residing on the Buffalo Creek reservation and those who reside on the Alleghany, Cattaraugus, and Tonawanda reservations, respectively, (being a large majority of the nation;) that Mr. Gold also drew up several affidavits made by chiefs of the nation, for the purpose of exposing the means and appliances which had been made use of to obtain their signatures to the treaty; that among others was the affidavit of John Snow, one of the chiefs, showing the fact that one hundred dollars in cash had been paid to him by General Potter, the agent of the Ogden Company, in consideration of his signing the treaty, all of which remonstrances and affidavits, together with many other documents relating to the treaty, were delivered to Mr. Gold for safe-keeping and preservation until called for; and also the identical one hundred dollars (in bank bills) which General Potter had paid John Snow as aforesaid, which were delivered by Snow with the affidavit as collateral evidence of its truth. And this deponent further says, that among other documents so placed in the hands of Mr. Gold during the summer past, was a remonstrance against the ratification of the treaty, signed by several prominent citizens of Buffalo, and by General Dearborn, the commissioner appointed on the part of the State of Massachusetts to protect the interests of that State as connected with the proposed removal of the Seneca nation. And this deponent further saith, that in the month of December last, this deponent, as the agent of the aforesaid chiefs and sachems of the Seneca nation, paid to the said Charles B. Gold the sum of one thousand dollars in bills of the Bank of Buffalo, for services already rendered and hereafter to be rendered by him in opposing the said treaty. And this deponent further says, that by a power of attorney duly made and executed by those of the chiefs and sachems of the Seneca nation who are opposed to the said treaty, was placed in the hands of the said Charles B. Gold, to be used as circumstances should require; by which the said Gold, Israel Jemison, Maris B. Pierce, Seneca White, and this deponent, were authorised, empowered, and delegated as the representatives of the said chiefs and sachems and of the warriors of the nation opposed to the treaty, to proceed to Washington, and appear before the President of the United States, the Senate of the United States, and all other officers of the General Government, for the purpose of spreading before them the facts in relation to the procurement of the signatures to the treaty, making known the dissatisfaction felt by the great majority of the nation with the whole scheme of removal, and particularly as contemplated by the terms of the treaty, and for taking all proper and lawful measures to prevent its ratification; that on the 3d day of January, 1839, the said Israel Jemison, Maris B. Pierce, and Seneca White, set out for Washington as such representatives; that the said Gold was at that time absent on a visit to Geneseo, in the county of Livingston, and the residence of James Wadsworth, esquire, (one of the Ogden Company, as this deponent is informed and believes;) that this deponent remained behind to await the return of the said Gold, receive from him the documents and papers in relation to the treaty, and which were to be used in opposing its ratification, (which were to be placed in this deponent's hands at the request of the chiefs and sachems of that part of the delegation who had already departed for Washington;) that after the departure of Jemison, Pierce, and White, by the direction and appointment of the said chiefs and sachems, Daniel Two Guns, a chief of the nation, was added to the delegation; that on his return Mr. Gold, in compliance with the wishes of the chiefs and sachems and of the remainder of the delegation, promised to deliver the aforesaid documents and papers relating to the treaty to this deponent, to be under the care and control of this deponent and the said Daniel Two Guns until after the delegation should all meet at Washington; that on the evening of the 8th day of January instant, Mr. Gold delivered to this deponent, in the presence of the said Daniel Two Guns, at the office of said Gold, in the city of Buffalo, a carpet-bag which appeared to contain papers, and informed us that in that bag were contained the papers and documents mentioned above, and the money delivered with the affidavit of John Snow, as mentioned above, but refused to deliver the key of the bag, (which was locked,) and insisted on retaining that himself; that the said Daniel Two Guns and this deponent went to the Eagle tavern in said city for the purpose of taking seats in the stage to leave the next morning for the east, leaving the carpet-bag containing the papers at the office of said Gold; that after taking seats in the stage, the said Daniel Two Guns and this deponent returned to the said Gold's office, received a carpet-bag, which we supposed the same one previously delivered us, and took it to our lodgings at the Mansion-house in said city; that the next morning the said Gold, Daniel Two Guns, and this deponent started for Washington, we having still in our possession the carpet-bag supposed by us to contain our papers; that when arrived at the village of Geneseo aforesaid, it became necessary for us to remain at that place for several hours; that while there Mr. Gold went out for a short time and returned in company with James Wadsworth, esquire, (who is mentioned above,) who called us out upon the piazza in front of the hotel at which we stopped, and endeavored to persuade us to return home and abandon our opposition to the treaty, and offered to pay us such a sum as would perfectly satisfy us for so doing; that Mr. Gold stood by and heard the proposition without saying a word for or against the proposition; that neither of us made any reply whatever to Mr. Wadsworth, but left him with Mr. Gold upon the piazza and returned into the house; that shortly after Mr. Gold came in and asked for the carpet-bag which contained the papers, saying that he wished to change his vest and had one in that bag which he wished to put on; that this deponent delivered him the bag, and the said Gold taking a small key from his pocket attempted to unlock it, and not succeeding, in consequence of the key not fitting the lock, he exclaimed, What have you done with the bag? you have got the wrong bag! you have changed it on the road! you have lost the bag with the papers in it. He then forced open the bag and found nothing in it except some old clothes wrapped up in newspapers. He then inquired where we slept the night before we left Buffalo, and being told that we slept at the Mansion-house, he inquired what part of the house, and if we saw Dr. Wilcox there that evening. We described the part of the house in which we slept, and told him we saw Dr. Wilcox in the bar-room late in the evening. He then said Dr. Wilcox got into your room in the night and took the bag containing the papers and left this one in its place. We replied that such could not be the fact, as we locked the door of the room on the inside on going to bed, and left the key in the door, and that in the morning we found every thing undisturbed and the door locked and the key in the door in the same manner as we left it the evening previous. Mr. Gold however still persisted that Mr. Wilcox must have taken the carpet bag containing the papers. Mr. Gold then endeavored to convince us that we had better go on to Washington without the papers, and that we could get along without them, and offered to return himself and try to find them. But we refused to proceed without the papers, and declared our intention to return and get the papers made out anew. Mr. Gold then said he would wait for us until the next day at four o'clock, and if we did not return by that time he should go on to Washington, whereupon we left him and returned home.

And this deponent further says, that he has no knowledge of what has become of the said papers or where they are, but this deponent believes that the said Gold has the said papers or knows where they are, (unless they have been destroyed by him,) and that they were not in the carpet-bag delivered to this deponent by said Gold. And further this deponent saith not.

JOHN KENNEDY.

Sworn and subscribed before me, this 14th day of January, A. D. 1839.

JAMES SMITH,
*Commissioner of Deeds, &c. for Erie County.*

STATE OF NEW YORK, } ss.
*County of Erie*

Daniel Two Guns, being duly sworn, deposes and says, that the foregoing affidavit of John Kennedy has been translated and read to this deponent in the Seneca language, and that the facts stated therein to have taken place in the presence of this deponent, *did* so take place as therein stated: that the conversation therein alleged to have been had in this deponent's presence was so had; and the said affidavit so far as the same speaks of what was said or done in relation to and in the presence of this deponent is true of this deponent's own knowledge, and as to the remainder of said affidavit this deponent verily believes it to be correct and true.

DANIEL TWO GUNS.

Sworn and subscribed before me, this 14th day of January, A. D. 1839, after the deponent, Daniel Two Guns, had heard this and the preceding affidavit translated and read to him in the Seneca language, by John Kennedy, an interpreter, by me for that purpose duly sworn.

JAMES SMITH,
*Commissioner of Deeds, &c. for Erie County.*

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BUFFALO CREEK RESERVATION,
January [illegible], 1839.

SIR: The undersigned, chiefs of the Cayuga nation, residing with the Senecas on the Buffalo Creek reservation, beg leave to present you the following memorial, and we respectfully request your close attention to our words.

The former treaty, held by your commissioner, the Hon. Mr. Gillet, your memorialists did indeed sign; but that treaty was not ratified by the Senate of the United States without amendments. Hence it became null and void.

The present treaty we have not signed, and shall not sign. We have thought it preferable to fall in with the opinion of the Senecas, our brethren, among whom we dwell, and who are also opposed to emigration. We think it better that our children, in all coming generations, should remain where we now dwell.

We hope that the Secretary of War, when he receives these words, will give the subject a fair and impartial consideration.

When your commissioner laid his instructions and communications before the Senecas, and explained the nature of all the amendments to the treaty, we then deliberated fully upon the subject. The Cayuga nation has five chiefs, and only five. Four of these five did then refuse, and do still refuse, to sign the assent to these amendments. One, only, of our number, has given his name to your commissioner; and the rest of us do, therefore, this day lay before you our respectful petition, and request that you will not allow the signature of one chief to prevail over those of four of equal rank and authority. We do not believe that you will do so; we have too much confidence in your integrity to believe it. But if we are mistaken—if you should see fit, in the exercise of your prerogative, to disregard our request—please write and inform us, that henceforth it may be fully understood that the Government of the United States deals with us on such principles that one signature can more than counterbalance four whose claims to influence and respect are every way equal. And your petitioners, as in duty bound, will ever pray.

WILLIAM KING, his x mark [L. S.]
JAMES TURKEY, his x mark [L. S.]
JOSEPH ISAAC, his x mark [L. S.]
JACK WHEELBARROW, his x mark [L. S.]

These four signatures and seals were affixed, in my presence.
AARON WRIGHT.

To the Hon. JOEL R. POINSETT,
*Secretary of War, Washington City, D. C.*

shows that, as far back as 1803, De Villemont had a tenant on the land; and that, from about 1807, it has been constantly settled upon by different persons, all with a full knowledge of the existence of the claim, and some of them as the acknowledged tenants of the grantee; and, since 1822, it has been constantly inhabited by himself and family. Miles, it appears, was originally engaged in rafting, and it was not until 1826 or 1827 he bought his first negroes; and Walworth first went on the land in 1828; and since that time they have, for small sums, purchased some of the improvements made by those settlers. In the very first purchase made by Walworth, in 1828, and the only one of which there is any record evidence, his grantor expressly states that he does not warrant either against the United States or the "claim of the heirs of De Villemont;" and it is in proof that some of the other purchases were made from persons whose sole inducements in making such sales were to avoid a conflict with the De Villemont title. The assertion that the claim was *unoccupied* when either of those persons went there, is, in fact, contradicted by the whole of the testimony; and as to the allegation that, as far as they had an opportunity of knowing, it was unclaimed, the committee are constrained to say that that also is not warranted by the testimony, which conclusively establishes the fact of the general notoriety of the existence and locality of the claim, even from the time it was first granted. Walworth's first purchase was made with an express refusal to warrant against the claim; the other settlers sold out in consequence of it; the lands were actually withheld from sale in 1830, on account of the claim and Miles, in person, opposed the recognition of it before the Missouri commissioners, under the act of 1832; and yet, in consequence of their having continued to hold on to the possession of land thus well known and recognised to be the property of others, then and now residents on the tract, they now seek to set up such tortuous possession as an argument against the recognition of the claim. This course your committee do not feel called upon to sanction; and particularly so, when we consider that even if the testimony, instead of contradicting, had corroborated those assertions, it would still be insufficient, in the opinion of the committee, to justify their depriving the family of the claimant of any portion of the only land which appears ever to have been claimed by, or granted to, De Villemont, and which has been, by express legislation, reserved from all disposition whatever, since as far back as 1813, with the view of preventing any such third parties as Messrs. Miles and Walworth from becoming involved by the settlement of the questions which properly affected only the United States and the claimants. Fully impressed with a belief that the claim of the heirs of De Villemont is legal and just, such as Congress has always heretofore recognised, and that they are entitled to the relief desired, the committee beg leave to report a bill conforming to these views.

25th Congress,
3d Session.

Rep. No. 244.

Ho. of Reps.

# BROTHERTOWN INDIANS—WISCONSIN.

[To accompany bill H. R. No. 1,112.]

February 6, 1839.

Mr. Bronson, from the Committee on the Territories, made the following

## REPORT:

*The Committee on the Territories, to whom was referred the petition of the Brothertown Indians, in the Territory of Wisconsin, praying that their lands may be partitioned and divided among them, and that the rights of citizenship may be extended to them, &c., report:*

That they have had the said petition under consideration, a copy of which is hereto annexed, marked A, and that they have given to the subject that attentive and earnest consideration which its merits, importance, and novelty, seemed to require.

The tribe of Indians in question, known as the Brothertown tribe, now consists of about 350 souls, residing on a reservation of 23,040 acres, on the east side of Winnebago lake, in the Territory of Wisconsin. They are composed of the remnants of various New England tribes of former days, who were, many years ago, induced to settle on lands belonging to the Oneida Indians, in the State of New York, where they kept up a separate organization as a tribe, and became known as the Brotherton or Brothertown Indians. They continued to reside on the lands of the Oneidas until some time previous to the year 1830, when, in consequence of inducements held out to them by the Government, they removed to the Territory now called Wisconsin, having previously made a purchase of land from the New York Indians, which they had acquired by treaty with the Menomonie Indians, on the southeast side of Fox river, in said Territory, where they made improvements, and continued to reside until some time in 1833 or 1834, after the ratification of the treaty hereinafter mentioned. On the 27th October, 1832, a treaty was made at Green Bay, between the United States and the Menomonie tribe of Indians, which was subsequently ratified on the 13th of March, 1833, (vide U. S. Laws, 8th vol., page 1,170,) by which it was agreed (in pursuance of a proviso annexed to a treaty with the same tribe, made the year previous) that a township of land of 23,040 acres, on the east side of Winnebago lake, should be reserved and set apart for the Brothertown Indians, and that they should give up the lands and improvements on the east side of the Fox river, which they then occupied, and for which improvements, the Government should pay them one thousand six hundred dollars. This treaty was carried into effect. The Government paid them for the improvements. The township of 23,040 acres, on the east

Thomas Allen, print.

side of Winnebago lake, was surveyed and located, and the Brothertown Indians removed on to it, and have since occupied it; and all of the tribe now reside on that township or reservation.

Your committee are further informed that the said Brothertown Indians, having laid aside the habits and customs of their ancestors, have abandoned the chase, and have devoted themselves to the cultivation of the soil, and have become both civilized and Christianized, to a higher degree than perhaps any other tribe of Indians on this continent.

Your committee are informed by the Hon. J. D. Doty, the Delegate from that Territory, who is well acquainted with this *community* of Indians, (for *tribe* they ought no longer to be called,) that they have, in all respects, abandoned the savage habits and customs of their forefathers; that they have adopted the religion, language, dress, manners, and mode of living, of their white neighbors; that they have allotted and parcelled out their lands among themselves, and divided the same into farms or small plantations, which each possesses, in severalty, and on which they have erected buildings, and made other improvements beyond what are usually found in so new a settlement; that they have a church, in which religious worship is statedly performed by a clergyman of the Methodist Episcopal church, to which sect most of them have attached themselves; that they have schools for the education of their children, in which the ordinary branches of an English education are taught; and that most of the community can read and write the English language, which is the only language common among them.

In fact, your committee have come to the conclusion, not only from the statements of the honorable Delegate above mentioned, but from other sources, that this band of Indians are not only civilized, by adopting the manners, customs, and habits, of civilized nations, but that their progress has been such as to render them an uncommonly well-ordered and respectable agricultural community; and that their mode of living, the neatness which prevails in their dwellings, and their thrifty husbandry, as well as their quiet and orderly behaviour, would contrast favorably with almost any community of the same number.

For a more particular account or history of these Indians, and of the inducements held out and protection promised to them by the Government of the United States, on their removal from New York to Wisconsin Territory, your committee would refer to the documents accompanying a treaty with the Menomonie Indians, which were presented to the Senate on the 28th February, 1831, and then printed by order of the Senate, and which have since been made public; and your committee would particularly refer to the memorial, remonstrance, and statement of the delegates of the Stockbridge, Brothertown, St. Regis, and Oneida Indians, at that time presented to the Senate, and printed with said document, and forming part thereof.

It seems that, up to this time, they have had no other or further grant or confirmation of their title than that contained in the treaty of the 27th October, 1832, above alluded to, and in virtue of which the township which they occupy was surveyed and located for them; and that their lands are subject to all the usual rules and regulations appertaining to Indian reservations; and that, while they are, to all intents and purposes, civilized, they are treated as savages; and while they have no laws and government of their own, they are, in a measure, out of the protection and pale of our laws.

Under all these circumstances, it is with no ordinary feelings of benevolence and philanthropy that your committee have come to the consideration of their request to be admitted to the rights of citizenship, and to have their lands partitioned and conveyed to them in fee simple; and, in considering this point, your committee are duly impressed with the importance of the right which they ask, and that, however freely it is granted to the European or other foreigner arriving on our shores, still it is a right too inestimable to be trifled with, or bestowed without due consideration, and that care should be taken that it is conferred only upon those who will exercise it for the welfare of the republic.

The first point to which your committee directed their attention, in considering this matter, was the wishes and feelings of the people of Wisconsin Territory—of those living in the vicinity of the Brothertown Indians, and who are their neighbors, and whose rights will be more immediately affected by granting the prayer of the petitioners; and it was in view of this point, and from the supposition that the measure was one so immediately affecting the people of that Territory, that your committee were induced to entertain the petition, instead of moving to be discharged from the consideration of it, and referring it to another committee, to which it might, perhaps, more appropriately belong.

In reference to this point, your committee would state that a joint resolution has recently passed both branches of the Territorial Legislature, and as it is believed unanimously, recommending that the prayer of the petitioners should be granted. This fact has been announced in the public papers, one of which has been shown to the committee; but the resolution itself has not yet been received here, though, as is believed by the Delegate from that Territory, it is now on the way. This, perhaps, being the most authentic and formal expression of the people of that Territory, through their representatives, assembled in their legislative capacity, might be considered sufficient on this point; but your committee would add that, from the honorable Delegate, as well as from other gentlemen of that Territory, they are informed that there is no objection to the prayer of the petitioners.

In reference to the policy and propriety of the measure generally, and particularly as to the Brothertown Indians themselves, much might be said. In fact, it opens a wide field for the discussion of questions relating to our duty as a nation to the Indian tribes, and our treatment of them; a field which has already been so much occupied by the statesman and philanthropist, that, perhaps, little could be said by your committee which has not already been better said before. But your committee cannot forbear to remark that they feel a deep interest in the success of the bill which is herewith reported, viewing it as they do as the only effectual means of *civilizing* the Indian—as the consummation of an effort in behalf of which such incalculable exertions, such unwearied zeal, have been expended, and so many millions of treasure lavished by our Government and individuals.

If this experiment shall succeed, (and that it will your committee entertain no doubt,) the hope is fondly cherished that it may lead to results equally beneficial to the civilized and the savage race.

Without in the slightest degree impeaching the wisdom or foresight of the statesmen and the philanthropists who have labored so ardently to civilize the Indian, your committee cannot forbear to remark that the usual efforts on this subject have stopped far short of the real point. The inducements held out have not been adequate to the great end in view. The high boon of citizenship has not been one to which the Indian could aspire. He has been taught the language, the manners, customs, and pursuits, of civilized life. The church and the school-house, the Bible and cross, have been made to occupy the places of the hunting lodge and wigwam, the tomahawk and the scalping knife; agriculture and its peaceful pursuits have been made to take the place of the chase, and, so far, the Indian has been civilized; but he is an Indian still. He is allowed to see and know, but not to enjoy, all the advantages of a civilized state. The last great and crowning inducement, the right of citizenship, has been denied, and, consequently, all efforts to civilize the Indian have, and, until this boon is granted, ever will, cease at a certain point, and the measure will be but half accomplished. Whether it is judicious to hold out this inducement to the Indian, even remotely, your committee will not now undertake to decide; neither do they think it necessary, in reference to the particular case under consideration. They are well aware of the deep-seated hostility that such an idea would meet with by those more immediately in the vicinity of the Indian tribes, and that the first duty of our Government is to our own citizens; and they trust it will not be overlooked, that the first point which the committee took into consideration, in deciding upon this case, was the effect which the measure would have upon the people of Wisconsin, and to be well satisfied of their entire concurrence in the prayer of the petition.

That we, as a nation, owe a deep and lasting debt to the Indian tribes, and particularly to those who formerly inhabited the New England States, will hardly be denied; and now, when an opportunity occurs, wherein we can in some measure repair the countless wrongs which these tribes have suffered at our hands, by extending to this small remnant of their descendants those rights, for the enjoyment and exercise of which they seem to be as well fitted as many of our own citizens; when we can, without injury to any one, confer a favor which may be most salutary in its influence, and, as your committee believe, equally advantageous to both parties, it is hoped that the measure which your committee propose will be adopted.

Under the influence of these considerations, your committee unanimously report a bill, herewith, authorizing the Brothertown Indians to divide and partition their lands among themselves, to hold them in severalty, in fee simple, and conferring upon them the rights of citizenship.

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## A.

*To the honorable the President and Senate and House of Representatives of the United States of America in Congress assembled:*

The inhabitants of Deansburgh, being the tribe of Indians known by the name and style of the Brothertown Indians, who have emigrated from the State of New York to lands ceded and granted to them by the

Government of the United States, at the treaty of his excellency George B. Porter, held at Green Bay in the month of October, 1832, and having met in town meeting, pursuant to previous notice, on the 18th of October, 1838, did unanimously resolve to petition your honorable body for an act of Congress authorizing the Brothertown tribe to become citizens of the United States; and, also, to grant to them a good and sufficient title to the lands ceded to them, to be vested in individual, and not national, security, inasmuch as it was understood, at the time of the cession of said land, that the said tract of land, containing 23,040 acres, situated on the east side of Winnebago lake, in the then county of Brown, and Territory of Wisconsin, that the Government promised to secure it to the Brothertown tribe, by giving them a good and sufficient title. That title has never been given. We now unanimously desire and implore the Government of the United States to grant us the privilege of citizenship, so as not to affect any previous engagement made by the Brothertown tribe, or by any person or State with the tribe, but that all such shall remain in full force and virtue; and they further state that they desire the privilege of making the division and partition of their lands among the tribe, so that they may be equally divided among said tribe. And as your petitioners have long since laid aside the ancient manners and customs of our forefathers, and have adopted those of our white neighbors, and have made considerable improvement in almost all the useful arts and sciences of a civilized people, and are still making valuable improvements by building mills, school-houses, &c., and being fully sensible of the disadvantages they labor under by being placed in the midst of a dense population of white people, and without laws, government, or protection, and without a good and permanent title to the lands that were granted to them by most solemn treaty, the Government of the United States will perceive the fitness of this our most earnest request, by an attentive consideration of the facts above stated; for the truth of which, as well as any other information needed, we appeal to the honorable James D. Doty, the Representative of Wisconsin Territory. And your petitioners, as in duty bound, will ever pray.

Done in behalf of said meeting, and signed by the committee appointed for that purpose.

Attest:

DANIEL DICK, *Town Clerk.*

+ 2-7A-1839

Big Kettle, Henry Two Guns, William Jones, John Snow William Crouse, David White, Jacob Bennet, George Kenjocity Samuel Wilson, John Barks, John General, John Kennedy, Daniel Two Guns, Johnny John, Sky Carrier, Joe Hemlock Mark Charles, Jack John, and John Tall Chief, Chiefs of the Seneca nation being duly sworn depose and say –

That, the Government of the Seneca nation of Indians is entrusted to the following persons, in power as they are named. George Lindley, Daniel Two Guns, Mark Charles, Great Forehead (Dead and whose place is to be filled by the Six Nations) James Hudson, Seneca White, John Luke, Little John and also two Chief Warriors, Governor Blacksna and Maris B. Pierce (acting for a minor William Jon Junior) These ten are in council considered above all the other Chiefs the first & Sen Sachems of the Six Nations.

And further say that the following names comprises all the Chiefs now living and power at Allegany Reservation, Cattaraugus, Tonaw & Buffalo –

[illegible]
Charles Okais
Moses Pierce
John Pierce
Robert Watts
Davis Halftown
Jacob Blacksnake
James Robinson
William Patterson
James Shongo
Long John
J Jimeson

Nath Strong
N. T. Strong
Morris Halftown
Fred Jemison
Young Chief
Geo Bennet
Jno Gordon
Geo Big Deer
Bill Shanks
Walter Thompson
Oliver Silverheels
Geo Silverheels

Jimmy Johnson
Black Chief
Blacksmith
Stiff Knee
Blue Sky
H. Washington
John Sky
John Bigfire
Jesse Spring
Lewis Poudrie
Saml Parker
Dargwendoh

Big Kettle
Cap Wilson
Old Jack Berry
Sky Carrier
John General
Adam Doxtator
Johnny John
Jack John
Jacob Bennett
John Bennett
Joel Hemlock
Geo White (Dea

George Kilbuck
David Snow
George Stongo

Allegany Chiefs
16 one dead _ 15

Levi Halftown
Joseph Snow
John Dennis
Geo Dennis
Deer
John Cook
Jack Snow (dead)
Blue Eyes
Reuben Pierce (dead)
Davis
William Johnson

Cattaraugus
23. 2 Dead 21

Tonewanda
12.

White Chief (dead)
Green Blanket (dead)
John Green Blanket
Wm Cass
Tall Peter
Job Pierce
John Tall Chief
John Barker
Geo Simeson
Geo Fox
James Stevenson
Jabez Stevenson
Wm Krouse
Wm Jones
Henry Twoguns
Saml Wilson
John Seneca
White Seneca
Daniel White
Geo Kenjockety
Thomas Jemison
J. S. Harris

John B Snow
John Kennedy
Tommy Jemmy
Old Fros Eunes (dead
Jimmy Jones.

Buffalo 39. 4 dead, 35

Allegany 15
Cattaraugus 21
Tonewanta 12
Buffalo 35
Total — 83 Chiefs
Sachems 8 - dead 1 - 7
Chief Warriors 2
Total ans. 92

Excepting the seven marked as dead and these deponents further say that the places of those that are marked as dead have never been filled leaving as acting chiefs: (taking in those of all grades (from the Sachems down to the lowest grades of Chiefs) Seven Sachems, 2 Chief Warriors, and Eighty three "Chiefs Subordinate" making in all ninety two living acting chiefs and no more and further say not -

Big Kettle his x mark
William Krouse his x mark
Henry Two Guns his x mark
John Kennedy Senior his x mark
Jacob Bennet his x mark
Sky Carrier his x mark

Saml Wilson his x mark
Joe Hemlock his x mark
John [illegible] his x
Jonny John his x
John Snow his x
George Kenjockety his x

[illegible] his x [illegible]
Jack John his x mark
John Tall Chief his x mark
William Jones his x mark
David White
Daniel Two Guns

Sworn before me this 7th day of February A.D. 1839
H. A. Salisbury, Com. of deeds for Erie County

[illegible] of nations.

And further say that the following names comprises all the Chiefs now living and [illegible] at Allegany Reservation, Cattaraugus, Tonawanda & Buffalo.

[illegible]

Charles O'Bail
Moses Pierce
John Pierce
Robert Watts
James Halftown
Jacob Blacksnake
James Robinson
William Patterson
James Shongo
Long John
J. Jimeson

N. T. Strong
Morris Halftown
Israel Jemison
Young Chief
Geo Bennet
Seth Gordon
Geo Big Deer
Bill Shanks
Walter Thompson
Oliver Silverheels
Geo Silverheels

Black Chief
Blacksmith
Stiff Knee
Blue Sky
H. Washington
John Sky
John Big fire
Jesse Spring
[illegible] Pondrice
Saml. Parker
Dargwendah

[illegible]
[illegible]
Tommy Carrier
John [illegible]
Adam Doxtat
Johny John
Jack John
Jacob Bennett
John Bennett
Joel Hemlock
Geo White

2-7A-1839

Big Kettle, George Kenjockety, Henry Two Guns, John Snow, Samuel Wilson, Mark Charles, John Kennedy, William Krouse, William Jones, David Wh John Tall Chief and Daniel Two Guns, Chiefs of the Seneca nation residents on the Buffa Creek reservation being duly sworn depos and say -

That they have just been informe that John Hutchinson, Charles Grey Beard an Fisher Pierce Indians resident on the Cattara Creek reservation have offixed their nam to the afsent to the Senate amendments presented by Ransom H. Gillet Esqr to the Chiefs of the Seneca nation for their approval an have also been informed that the said Hutchins Grey Beard and Pierce were elected Chiefs by the emigration party this last fall at a Tavern in City of Buffalo -

These deponents declare that they never heard until the present day [illegible] of [illegible] Chiefs [illegible] [illegible] Hutchinson Gray Beard and Pierce were legally elected as the chiefs nation are held to have been altogether of said election. Which has not been done. further say that if said information that said election was fraudulently [illegible] and that the subscription of the names said Hutchinson, Gray Beard and Pierce to said afsent as Chiefs is not binding on the Seneca nation as these deponents now declare that the said Hutchinson, Gray Beard and Pierce are not Chiefs of the Seneca nation and

2-7-1839

further say not.

Big Kettle his x mark
Henry Two Guns his x mark
John Snow his x mark
Samuel Wilson his x mark
Mark Charles his x mark
John Kennedy his x mark

William Crouse his x mark
John Tall Chief his x mark
Wm Jones his x mark
Daniel Two Guns
David White
George Kenjoceyta his x ma

Witneſs S. G. Heacock.

Sworn before me this 7th day of February A.D. 1839.
H. A. Salisbury.
Comr of deeds for Erie County.

William Jones Being duly sworn deposeth and sait that he speaks both the Seneca and English language and has truly interpreted and explained to eac man who has signed the within and anne affidavits the contents of the papers to which each has sworn, and that they fully understood the same.

itness. S. G. Heacock
William Jones his x mark

Sworn before me this 8th day of February
1839
H. A. Salisbury
Comr of deeds, for Erie Co

110.

unite, both those now west and those east, to the Nego-tiators if the negotiation shall result in such determination? Or shall it be deemed that Government has complied with its obligations under the treaty and, therefore, suspend all further efforts to induce these Indians to leave their present location?

Very respectfully &c
T. Hartley Crawford.

---

111. Hon:
106. J. R. Poinsett,
Secretary of War.

War Department,
Office Indian Affairs,
February 7, 1839.

Sir:

By the treaty of 3d February (ratified 17. May) 1838, between the United States and the Oneidas of Green Bay, concluded at the City of Washington, there is agreed to be paid by the former $3000 to the Orchard Party, and 30,500 dollars to the First Christian Party; of the last sum $3000 to be expended in the erection of a church and Parsonage house, and the residue apportioned under the direction of the President among the persons entitled thereto; it being understood that the aggregate is designed to be in reimbursement of moneys expended by said Indians, and in remuneration of their chiefs and agents in purchasing and securing a title to the lands ceded by the first article of the Washington treaty of 1838.

The instructions, to the agent employed to apportion this money, were in accordance with the directions of the treaty, and Henry S. Baird Esq. who rendered this service has made his report, which was received on 28. January last, consisting of a general account of his transactions, and accompanied by lists or calendars, showing the names of the parties, among whom he has distributed the money, the amounts respectively claimed and allowed and for how much, and those which were rejected — together with the evidence. I have examined this branch of the report, which I think entitled to confirmation and recommend it accordingly —

The 2d article of the treaty allots to each Indian 100 acres of land "to be held as ~~the~~ other Indian lands are held" — and we undertook to run the lines of these tracts, so "as to include all their settlements and improvements in the vicinity of Green Bay." Mr. Baird was also charged with this duty, and instructed to take a census of the tribe to ascertain the number of persons entitled, and the aggregate amount of land, and next to run the exterior lines of the whole body of land so as to include all their improvements. This service he employed John V. Suydam Esq. to perform — and he returns a survey or plat showing the entire Indian reservation at 65.400 acres, together with the field notes of survey.

At first blush, it would seem that we covenanted to survey the several tracts, but upon consideration I am satisfied it is not so.—

The whole duty appears to have been discharged with ability and fidelity, and this Office is informed by the superintendent of Wisconsin agreeably and satisfactorily to the Oneidas.—

Very respectfully &c

T. Hartley Crawford

---

112 Hon.

110. J. R. Poinsett,

Secretary of War.

War Department,

Office Indian Affairs

February 8, 1839

Sir:

By the 2d article of the treaty with the Potawatomies of October 20. 1832 five sections of land were reserved for Wa-pon-seh and Qua-qui-to respectively. The title of the latter was extinguished by the 4th article of the treaty with himself and other chiefs, of February 11th 1837. The former has recently signified, through his agent, a wish to sell his land at $1.25 per acre, the price paid Qua-qui-to. This Indian has emigrated, and he can sell only to the United States. It has been stated by Colonel Pepper that the land is worth twice the amount asked. I respectfully suggest that the subject be referred to the proper Committees in Congress, and an appropriation requested of $4000 to enable the Executive to make the purchase on the terms proposed, which can be done without other expense, through the Indian agent.

Very respectfully &c

T. Hartley Crawford

The Subscribers, Chiefs of the Seneca nation of Indians resident on the Buffalo Creek Reservation being duly sworn depose and say.

That they have been informed that some of the names of those Chiefs who belong to the party opposed to emigration are signed to the assent to the Senate's amendments presented by Ransom H Gillet Esqr Commissioner for the United States to make a treaty with the said Seneca nation by which they should agree to go to the west within five years from the ratification of said Treaty; and further say that they believe the commissioner has been imposed upon in manner following -

First. The agents of the Ogden company have taken private Indians to the Commissioner pretending to him that they were Chiefs & have hired them to missname themselves by adopting the names of Chiefs in the opposition & have so obtained many names now affixed to the assent to the Senate's amendments now in the hands of the President -

And Second; That there are numerous men who are of the same name with Chiefs, who may have been hired to sign their names, and the Commissioner not knowing who were Chiefs, might in this way have been imposed upon -

And Third: They have no confidence in the supervision of their agent of the signatures as they believe him to be as ready to deceive as any of the agents of the company before mentioned -

The Undersigned do therefore solemnly depose that they are Chiefs of the Seneca Nation of Indians and severally declare that they have never signed their names, or made their marks to the assent to the Senate's amendments knowing what they did at the time

2-8-1839

-ments knowing what they did at the time

and further say not

1 Big Kettle his × mark
2 Henry Two-Guns do × do
3 Wm Crouse his × mark
4 Jacob Bennet his × mark
5 Daniel Two Guns
6 David White
7 Wm Jones his × mark
8 George Kenjoceyta his × mark
9 Joe Hemlock his × mark
10 Johny John his × mark
11 John General his × mark
12 Mark Charles his × mark
13 Jack John his × mark
14 John Kennedy his × mark
15 Sky Carrier his × mark
16 Samuel Wilson his × mark
17 John Tall Chief his × mark

Sworn before me this 7th day
of February A.D. 1839 -

H. A. Salisbury
Com of deeds for Erie County

18 George Lindsey
19 Adam Doxtator his × mark
20 John Green Blanket his × mark
21 Major Jack Berry his × mark

Sworn before me this 8th day of
February A. D 1839.
H. A. Salisbury.
Com of deeds for Erie County.

-ments knowing what they did at the time

and further say not.

William Jones being duly sworn deposes & says. That he speaks the Seneca & English languages and has truly interpreted and explained the contents of the within affidavit to the persons who have signed it and that they fully understood the same.

Witness S. G. Heacock   William Jones his x mark

2.

2-9-1839

25th Congress, [Confidential.] 3d Session.

# MEMORIAL

OF A

# DELEGATION OF THE SENECA INDIANS,

PROTESTING

*Against the ratification of the treaty made with the New York Indians, as amended by the Senate.*

February 9, 1839.

Referred to the Committee on Indian Affairs, and ordered to be printed.

*To the honorable the Senate of the United States of America:*

We, the undersigned delegation of the Seneca tribe of Indians in the State of New York,

MOST RESPECTFULLY REPRESENT:

That a document purporting to be a treaty, made and entered into between the United States and the Seneca tribe of Indians, has been presented to your honorable body for ratification; and that we, upon the part of the Seneca nation, do with the greatest respect oppose said ratification, and enter our solemn protest against the same, for the following reasons:

We state that no treaty made with a *minority* of the chiefs of the Seneca nation is a treaty with that nation: That according to our laws and usages, which have heretofore always been respected and acknowledged by the United States, the Seneca nation is governed by the acts and councils of a *majority* of her chiefs; and to make a good and valid treaty, it requires the sanction of a majority of the chiefs belonging to the nation, and that such *majority* was not obtained or given to the treaty now before your honorable body; but, on the contrary, the pretended treaty is the act of a minority, and consequently not the treaty with the Seneca nation, nor is that nation bound by it.

The ratification of that treaty, and the removal of the Senecas under it from the lands and homes of their forefathers, would be an arbitrary act upon the part of the United States, in violation of every principle of justice and humanity, and an act which your memorialists do not believe your dignified and enlightened body will approve. If the United States should ratify this pretended treaty, the treaty making power with the Indians is but a sham and for appearance alone, for the present treaty would be equally good and binding had it been made by *one* chief only. Why were the Senecas invited and called upon to treat with the United States, if that treaty was to be mere form and of no substance? Why was the nation of Senecas required to speak in their council, if the voice of the

2-9-1839

See minutes page 53 Vol 3.

nation is to yield to that of a small minority composing it? Why was the consent of that nation asked, if the United States will, in opposition to the wishes of its people, expressed through a *majority* of its chiefs, force upon them a treaty they have never made or sanctioned?

Your memorialists state that they are specially charged to state to your honorable body, that the nation of the Senecas is composed of *ninety-two chiefs* in all, and that no treaty is the act of that nation, unless *forty-seven* of the chiefs are in favor of it: That the pretended treaty, against the ratification of which, as the *act* of the Seneca nation, your memorialists do protest, received only the approbation of *twenty-six* chiefs, who declared themselves unqualifiedly in favor of emigration to the West, and of TEN other chiefs, who were neutral, and would be satisfied with either course; and that allowing the votes of these *neutrals*, your memorialists show that there were only *thirty-six* chiefs in favor of the treaty, whilst the number of *fifty-six* were opposed to it, unqualifiedly and decidedly.

To support and maintain this statement, your memorialists annex, as a part of this memorial, a *statement*, giving the *names* of *each* chief of the Seneca nation, of the different *reservations* to which he belongs, and showing the *name* of each chief *for* and *against* said treaty.

For the above reasons, as well as for many others, which your memorialists will point out to the committee to which said treaty is referred, if they be permitted to appear before it, as well as for reasons apparent in the PAPER itself, your memorialists do, in the *name of the Seneca nation of Indians* aforesaid, respectfully protest against said pretended treaty, and declare the same not to be the act of the said nation, a large majority of which are opposed to the same, and are here represented by your memorialists, who, in the most respectful, but, at the same time, in the most decided and solemn manner, enter this protest, and object to the terms and conditions of said pretended treaty.

Your memorialists further refer to exhibits A, B, and C, being protests of the warriors of the Seneca nation, as a part of this memorial; also to exhibit D, which is a written history of the proceedings connected with said treaty, all of which will show that said treaty ought never to receive the sanction of your patriotic and enlightened body.

Your memorialists also respectfully ask that they may be permitted in person to appear before the committee of your honorable body, in discharge of the duties imposed upon them, and better to represent the interests of their nation.

ISRAEL JEMISON, his x mark.
SENECA WHITE.
MARIS B. PIERCE.
JOHN KENNEDY, Jr.

WASHINGTON CITY, *February* 7, 1839.

2-28-1839

# IN EXECUTIVE SESSION—SENATE UNITED STATES.

---

FEBRUARY 28, 1839.

Mr. Prentiss submitted the following memorial; which was read, and ordered to be printed, in confidence, for the use of the Senate.

---

*To the honorable Senate of the United States, in Congress assembled:*

The memorial of the undersigned delegation of the nation of Seneca Indians, in the State of New York, in the most respectful manner

REPRESENTS:

That they are instructed by their nation to state, that they cannot submit to the terms of the amended treaty of which they have spoken in their *protest* to your honorable body, because the same is no treaty of their nation, and further, to say, that those represented by the undersigned can in no event consent or agree to the contemplated *removal* of their nation, by the Government of the United States.

This determination on the part of the Senecas, is made after the most matured and determined reflections upon the subject, and we deem it but right so to inform your honorable body.

The reasons which have influenced the Senecas to make known their views upon this subject, find their origin, at once, in those laws of right and self-defence, which must be familiar to the enlightened and philanthropic statesmen and legislators of the free and independent Government of the United States of America, and need not herein be repeated.

The nation we represent differ in their habits, their pursuits, and their state of civilization, and cultivation of the arts and sciences, from many, if not from all of those nations of our red brethren who have consented to remove from their homes to a distant wilderness.

The habits, the associations, the pursuits of life, and the cultivated state of the minds of many of our nation, disqualify them for the removal to scenes of a wild and savage kind, and attach them to the homes of their ancestors, now endeared to them by the graves of their fathers, and of many of their wives, children, and brothers.

To these homes, and to the lands they have so long tilled, and which contain within them the bones of their departed friends, every feeling of nature attaches them.

*They cannot leave them.*

The undersigned cannot for a moment suppose that their friends, the Government of the United States, will use the means of *power* to force that upon them which is not sanctioned by right or justice.

The Senecas are already unhappy and distracted among themselves, owing to the frauds perpetrated by the agents of the United States to which allusion was made in a former communication to your honorable body, as well as in one made to the honorable Secretary of War, and an attempt now to *force* upon them the removal alluded to, would be worse than

Blair & Rives, printers.

2-28-1839

Congressional
Doc:
In relation to Treaty.
1838

## THE STATEMENT SHOWING THE NAMES OF EACH CHIEF, ETC.

The Seneca nation is divided into the following *reservations*, to wit: *Buffalo*, *Tonawanda*, *Cattaraugus*, and *Allaghany*.

### *Names of the Chiefs opposed to the treaty and to emigration.*

*Buffalo Chiefs.*

1. Big Kettle.
2. Seneca White.
3. Henry Two Guns.
4. William Krouse.
5. William Jones.
6. Jacob Bennet.
7. Maris B. Pierce.
8. Daniel Two Guns.
9. Mark Charles.
10. John Kennedy.
11. George Lindsey.
12. John Green Blanket.
13. David White.
14. John Hudson.
15. Joe Hemlock.
16. Adam Doxtator.
17. George Kenjokety.
18. Johny John.
19. Jack Jonny John.

*Tonawanda Chiefs.*

1. Jemmy Johnson.
2. Blue Sky.
3. Black Chief.
4. Black Smith.
5. John Luke.
6. John Sky.
7. Jesse Spring.
8. John Bigfire.
9. Samuel Parker.
10. Lewis Poodry.
11. Jim Williams.
12. Tiffany.
13. Janes Washington.

*Cattaraugus Chiefs.*

1. Israel Jemison.
2. Young Chief.
3. John Cook.
4. Joseph Snow.
5. Geo. Dennis.
6. Isaac Davis.
7. George Deer.
8. John Dennis.
9. George Silverheels.
10. Oliver Silverheels.

*Allaghany Chiefs.*

1. James Robinson.
2. Governor Blacksnake.
3. John Pierce.
4. Jacob Blacksnake.
5. Tunis Halftown.
6. William Patterson.
7. Charles Obail.
8. Robert Watt.
9. Sky Pierce.
10. Moses Pierce.
11. James Shongo.
12. George Kilbuck.
13. David Snow.
14. Isaac Halftown.

### *Names of the Chiefs in favor of the treaty and emigration.*

*Buffalo Chiefs.*

1. Pollard.
2. James Stevenson.
3. White Seneca.
4. Job Pierce.
5. Geo. Jemeson.
6. Tall Peter.
7. John Seneca.
8. Jabes Stevenson.
9. George Fox.
10. Thomas Jemeson.
11. T. S. Harris.
12. Jim Jones.
13. John Bennet.
14. Tommy Jimmy.

*Tonawanda Chiefs.*

None.

*Cattaraugus Chiefs.*

1. Capt. Strong.
2. Blue Eyes.
3. Gen. Bennet.
4. Big Deer.
5. Samuel Gordon.
6. Morris Halftown.
7. Billy Shanks.
8. William Johnson.
9. Levi Halftown.
10. N. T. Strong.
11. Walter Thompson.

*Alleghany Chiefs.*

1. Jacob Jemison.

*Names of the Chiefs who signed both in favor and against, and who are neutral.*

*Buffalo Chiefs.*

1. Little Johnson.
2. Samuel Wilson.
3. Wm. Cass.
4. John Snow.
5. Sky Carrier.
6. John General.
7. Major Jack Berry.
8. John Tall Chief.
9. Peter Batt.

*Tonawanda Chiefs.*

None.

*Cattaraugus Chiefs.*

None.

*Alleghany Chiefs.*

1. Long John.

RECAPITULATION.

| | | | | | |
|---|---|---|---|---|---|
| Buffalo chiefs | 19 | Buffalo | 14 | Buffalo | 9 |
| Tonawanda | 13 | Tonawanda | 00 | Tonawanda | 0 |
| Cattaraugus | 10 | Cattaraugus | 11 | Cattaraugus | 0 |
| Alleghany | 14 | Alleghany | 1 | Alleghany | 1 |
| Opposed to treaty | 56 | In favor of treaty | 26 | Signed both ways | 10 |

56 chiefs decidedly opposed to emigration.
26 chiefs decidedly in favor of emigration.
10 chiefs who, being neutral, have signed in favor of both.

Total number of chiefs - 92

A clear majority of chiefs of 20, allowing the neutrals to go with those in favor of the pretended treaty.

Counting the neutrals for neither party, leaves a *majority* of 30 opposed, a number greater than the minority who are in favor of the treaty.

A.

We, the undersigned, warriors and residents of the Tonawanda reservation of Indians, in the State of New York, most respectfully beg leave to *protest* and *remonstrate* against the sale and disposition of our land to those who claim to have the pre-emptive right to purchase the same, or to any other individual, or individuals, or the Government, as it is and ever has been our deliberate resolve, not to accept of the country offered to us by the Government, neither to part with the lands now in our possession and under control of the chiefs as our representatives.

Dated this 15th day of September, A. D. 1838.

George Moses x
John Bigfire x
Denis Sky x
John Bigbag x
William Taylor x
John Cooper x
Amos George x
Abram George x
James George x
John Hiram x
Daniel Carpenter x
James Bigbag x
John Luke, jr. x
John Griffin x
John Blackchief x
John [illegible] x
Isaac Shanks x
James Rollin x
Anthony Jones x
John Farmer x
Isaac Doctor x
William Parker x
John Shanks x
David Printup x
John Fish x
Robert Fish x
Tommy Black x
Sherwood Black x
John Miller x
John Irvin x
Chauncey Abram x
George Powder Horn x
George Washington x
George Clantor x
Thomas Clantor x
Samuel Clantor x
Jabez Clantor x
William Jones x
Peter Taylor x
Thomas Evens x
Isaac Doxtator x
Simmeons Spring x
Tommy Hiram x
George Fish x
Henry Moses x

Woods Moses x
John Bigfire x
Esquire Brooks x
Jemmy Brooks x
Elon Sky x
George Sky x
Henry Johnson x
Ely Johnson x
David William x
Levi Barker x
Jabez Ground x
William Cananta x
Small Peter x
Henry Jemison x
Barber Jemison x
William Jemison x
William Snidor x
Samuel Parker x
Joseph Taylor x
Tommy Hill x
John Hill x
Isaac Hill x
Lewis [illegible] x
Richard Cooper x
Thompson [illegible] x
Abel [illegible] x
[illegible] x
John [illegible] x
Joseph Fish x
John [illegible] x
Benjamin Jones x
Monroe Squire x
Stephen Bigbag x
William Lean x
William Fish x
Daniel Fish x
James Fish x
Jesse Moses x
William Hatch x
William Johnson x
William James x
David Brooks x
John Martin x
John Jones x
Billy Stewart x

Kiley Timmy x
Hirald x
John William x
John Abram x
William Clute x
Thompson Coody x
William Snider x
Henry Ground x
Henry Jackson x
Aitch Ground x
Tommy Hall x
John Cone x
Daniel Peter x
Black Chief Brother x
Nixon Thomas x
Wilson Thomas x
David Bigbag x
Elias Jones x

Reuben Jones x
Tommy White x
John Thomas x
David Shanks x
James John x
Ely Stone x
Nicholson Parker x
George Taylor x
Thomas Spring x
Thomas Snider x
Billy Half-bread x
Daniel Spring x
William Mosses x
John Jones x
James John, jr. x
Adam Blue-sky x
James Johnson x

SEPTEMBER 15, 1838.

I hereby certify, that all persons whose names are attached to this paper, did severally and personally make their marks in my presence.

THOMAS JEMISON, *Interpreter*.

---

## B.

We, the undersigned, warriors and residents of the Seneca nation of Indians, in the county of *Erie*, and State of New York, most respectfully beg leave to protest and remonstrate against the sale and disposition of our land to those who claim the pre-emptive right to purchase the same, or to any other individual or individuals, or the Government, as it is, and ever has been, our deliberate determination not to accept of the territory offered to us by the Government, neither to part with the lands now in our possession, and under the control of the chiefs as our representatives.

Dated this 21st day of September, 1838.

John M. Mason x
John Kennedy x
Jack Doxtator x
Robert Silverheels x
John Steven x
Jonah Armstong x
Thomas Beaver x
Black Squirrel x
Benjamin Jonny John x
John Mitten x
John Joshua x
John Luke x
Elijah Cayugah x
Little George x
Thompson Blinkey x

Anthony Wayne x
John Dana x
Peter Johnson x
William Cayugah x
Abram Jonny John x
James Green Blanket x
Thomas Hemlock x
Philip Canjokady x
John Green Blanket x
William Elick x
Young Farmer x
Young Wilson x
Capt. Cook x
Philip Snow x
Asa Sundown x

| | | | |
|---|---|---|---|
| George Washington | x | Joseph Dudley | x |
| Saul Logan | x | Billy Jones | x |
| James Spring | x | John Jacket | x |
| John Austin | x | Andrew Snow | x |
| Joe Hemlock, jr. | x | Young Squirrell | x |
| Isaac Jonny John | x | John Hemlock | x |
| James Philips | x | William George | x |
| Orlando Tall John | x | Henry Phelps | x |
| Charles Half White | x | Thompson Cayuga | x |
| Black Squirrel | x | Jim Billy | x |
| John Mack | x | John Hemlock, jr. | x |
| Thomas Jones | x | Major Camp | x |
| Peter Sundown | x | James Harris | x |
| James Coniscag | x | John Moses | x |
| William Johnson | x | John Crow | x |
| Gilbert Crawford | x | Joel Sundown | x |
| John General, jr. | x | Jack Jonny John | x |
| Arm Strong | x | Yellow Blanket | x |
| John Fox | x | William Hemlock | x |
| Henry Wood | x | Gilman Clark | x |
| Jacob Warwee | x | Thomas Snow | x |
| George Greene | x | Charles Kennedy | x |
| Jack Joseph | x | John Baldwin | x |
| Moses Doxtator | x | Richard White | x |
| Thomas Doxtator | x | John Bennet | x |
| Peter Snow | x | | |

SEPTEMBER 22, 1838.

I hereby certify that all persons who signed this paper, are men of the Seneca nation, and they did severally and personally sign, and make their marks in my presence.

MARIS B. PIERCE.

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We, the undersigned, warriors and residents of the Cattaraugus reservation of Indians, in the State of New York, most respectfully beg leave to protest and remonstrate against the sale and disposition of our land to those who claim the pre-emptive right to purchase the same, or to any other individual or individuals, or the Government, as it is, and ever has been, our deliberate resolve not to accept of the territory offered to us by the Government; neither to part with the lands now in our possession and under control of the chiefs as our representatives.

Dated this 17th day of September, 1838.

| | | |
|---|---|---|
| Zechariah L. Jimeson | | Abram John |
| Thomas Runner | | Peter White |
| John Dickey | x | Joseph John |
| Henry Silverheels | | John King |
| John White | | William Dennis |
| Stephen Silverheels | | Seneca Warrior |

x Richard John x
x Thomas Shongo x
x James Eels x
x Gibson Mohawk x
x Titus Warrior x
x David Snow x
x Joshua Turkey x
x Paul Peter x
x Isaac Turkey x
x Isaac Davis x
x Andrew John x
x William Davis x
x John Seneca x
x William Snow x
x John Titus x
x William Jacobs x
x Jacob Jacobs x
x Henry Jacobs x
x John Jones x
x James Crow x
x George Billey x
x Jimmy Cornplanter x
x Charles Cooper x
x Moses George x
x Thomas Halfwhite x
Jacob Johnson x
William Mohawk x
John Turkey x
Thomas Jimeson x
John Spruce x
Jack Doctor x
Moses George x
Thomas Halfwhite x

x John Mohawk x
x Moses Turkey x
x Captain Jackson x
x John Porcupine x
x Jonathan Johnson x
x Big Chief x
x George Green x
x Abram Half White x
x Gardner York x
x Harry York x
x Watson Pierce x
x John Green x
x Solomon Green x
x John Green, jr. x
x Joseph Silversmith x
x William Bluesky x
x George [illegible] x
x George Jacob x
x John Mohawk x
x John Andiron x
x Joseph Snow, jr. x
x Adam Reed x
x John Canada x
x James Reuben x
x George Halftown x
x John Thompson x
George White x
Allen Jimeson x
Smith Thompson x
John Deer x
John Jacobs x
George Cornplanter x

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I hereby certify that all persons whose names are attached to this paper did severally and personally make their marks in presence of—

J. N. HILLMAN.

17th 8th month, 1838.

*To the honorable the Senate of the United States:*

In addition to the memorial and protest submitted by us to your honorable body, we respectfully submit the following statement to accompany said memorial, and we ask your attention to the same. Every fact herein stated can and will be proved in any way pointed out by your honorable body.

This subject so vitally concerns our peace, happiness, and future welfare, as a nation and as a people who feel that they have rights which ought not to be invaded by force, and more especially by the United States, to whom they have always looked up to as friends and protectors, that the undersigned cannot let it pass without the following statement:

The undersigned speak not only from their acquaintance with the views and wishes of the Senecas, but from their own personal knowledge and view of what took place relative to the pretended treaty, and unhesitatingly pronounce the proceedings in relation thereto to be unheard of and disgraceful to the parties concerned.

Upon the 17th of August, 1838, a negotiation was held at the Buffalo Creek reservation, in the State of New York, between the chiefs of the Seneca nation and R. H. Gillet, United States commissioner, and H. A. S. Dearborn, superintendent on the part of the State of Massachusetts. The council being opened, the proposed treaty, with the *amendments*, were laid before it by the United States commissioner, who urged its adoption. The council continued for more than two weeks, and every influence used to operate upon the chiefs, when the council was allowed time to deliberate, and make a final conclusion in the case. The chiefs then met in private council, and, after well deliberating, they came to the following decision: "that they do not assent to the treaty and the amendments, or consent to part with their lands, and remove west of the Mississippi." This determination was communicated to the commissioner in the presence of General Dearborn. The commissioner refused to accept the decision of the council, insisted upon the treaty and its amendments being adopted, and menaced that all the Indians in New York would be removed; he, saying "this is the policy of the Government, and they will carry it into effect." And he added, "what will you do, since you have [illegible] away your lands to the pre-emption company, and the Governor of Massachusetts has approved it; since you reject the offers of the General Government, where will you go?" In this style were the chiefs addressed, and the most [illegible] threats used to induce them to accept the treaty, &c.; and this course was pursued for weeks in a manner and language inconsistent with the dignity of the United States, and with every principle of justice, or of humanity, or right.

The chiefs remonstrated against such a course, and asked that the council should be adjourned, as their fields were suffering for the want of being harvested; but this was refused, and they were told that the council would be left open to obtain a majority of their signatures [illegible], whenever he could obtain the signatures, if [illegible].

Things continued in this way until the [illegible] of [illegible], in the same year, when the assent of the chiefs was laid upon a table for signatures. The chiefs insisted that the protest of the chiefs against the treaty and the amendments should also be witnessed by the commissioner, which was refused by the commissioner, but General Dearborn witnessed it. The assent was then signed but by sixteen of the chiefs, and sixty-four chiefs signed the protest. The commissioner then adjourned the council for the day, and went to his own room and lodgings. This was the question disposed of, "in council," in the manner prescribed by the resolution of the Senate of the United States.

The council being over, as to the above object, Mr. Gillet continued to use his private influence to obtain other signatures, and, having failed to do so, he tried what a compromise could effect. He first offered a nominal rent for the Senecas to give for their farms for ten years. This was refused. He then offered that the Senecas should have two life leases for each family upon the farms, which was also rejected. The commissioner then, upon the 2d of October, adjourned the council to the 15th of November, 1838, and the said council was never called; and Mr. Gillet afterwards informed some of us that he had instructed the sub-agent not to call the council again.

During all of this time the United States commissioner, to the degradation of the Government he represented, remained in the city of Buffalo and the adjacent towns, calling upon the chiefs individually and secretly to obtain their signatures to the pretended treaty. The Tonawanda chiefs whom he visited, unanimously rejected his solicitations, and would not be influenced by his *threats* or his *offers*. During all of this time, the commissioner was engaged as above, in his shameful course, and left Buffalo upon the 28th of December, 1838, without giving notice of his departure. How far he succeeded in obtaining in this improper way, to say no more of it, any additional signatures, the undersigned cannot say, but fear he may have done it, as it appears by document P, which we annex to this statement, that at least *five* of the chiefs were imposed upon to obtain their signatures.

If required, we can produce many other facts to show the fraudulent and unjustifiable course pursued in regard to the treaty now so called, which is laid before you.

We also state that *Charles Greybeard*, *John Hutcheson*, and *Charles F. Pierce*, whose names are affixed to the said treaty, are not *chiefs*, but only *warriors* of the Seneca nation; and the imposition of their names as chiefs is a fraud upon the country. We are informed, and so can prove, that these men were created *chiefs*. One of the chiefs, at present in Washington city, and who is in favor of the treaty, informs us these three warriors were so created by the *sub-agent* for the occasion. Neither is *John Gorden* a chief of the Seneca nation.

Should the Senate, in the teeth of these facts, and in opposition to every principle of justice, not listen to our protest, all that we can do, is to repeat, in that event, the proposition made by our *predecessors* last year, which is as follows: "that a survey of our lands may be made, and the lines run and distinctly marked, and that an equitable division of our lands may be made among those who wish to go, and those who are resolved to remain where they are, so that each one may be at liberty to dispose of his share or portion, or to keep it and remain, as he pleases."

In the fairness and justice of this last and conditional request, we feel satisfied your honorable body will concur.

We also submit, with this statement, the *affidavits* of *John Kennedy* and *Daniel Two Guns*, showing that our documents were stolen from us on our way to the city of Washington. The documents were, to wit: the *protest* of the sixty-four chiefs opposed to the treaty and the amendments, witnessed by General Dearborn, a copy of which, we were told is in the *War Department*, and, if not sent to you, we ask you to call for it; also, more than a dozen affidavits of the *chiefs* and warriors of our nation, exposing the *frauds* practised upon us by the following persons, viz: *H. B. Potter, Esq., O. Allen, Doctor Wilcox*, and *Horace Jones*, sub-company of the Ogden's company, and by *James Stryker*, the *Sub-Indian agent*; also the affidavit of *John Snow*, a chief, containing $100 in bank bills enclosed, substantiating the facts therein stated.

We most respectfully urge upon your honorable body a speedy decision and action upon our case. We are instructed by those we represent to say, that we have every confidence in the justice, magnanimity, and wisdom of the great nation of the United States, towards whom the Senecas cherish the best feelings of friendship, and that, having this confidence, the Senecas rely upon justice from your decision in the case now before your honorable body.

These matters and things are respectfully submitted by us, the delegation of the Seneca nation of Indians.

ISRAEL JEMISON, his x mark.
SENECA WHITE.
MARIS B. PIERCE.
JOHN KENNEDY, Jr.

WASHINGTON CITY, D. C., *February* 7, 1839.

## P.

We, the undersigned, chiefs of the Seneca nation, having, for certain reasons, been induced to sign a paper of some description, the purport of which we are ignorant, fearing the same may be taken as our voluntary assent to the amendments, hereby inform you, as the superintendent on the part of Massachusetts, not to sanction such act, as it was not our intention, by signing such paper, to cut ourselves off from accepting or rejecting said amendments in open council.

Sky Carrier, his x mark.
Tall Peter, x
Long John, x
John Snow.
Little Johnson, x

Supposed (*drunk at the time*) he signed, as he is told that he did.

I hereby certify, that I wrote the names of the signatures to the above notice, and saw each person put his cross or mark opposite his own name.

Dated this 27th day of September, 1838.

MARIS B. PIERCE,
*Secretary of the Seneca nation.*

I hereby certify, that the above is a correct copy of a paper which I saw M. B. Pierce hand to the superintendent on the part of Massachusetts.

Dated this 27th day of September, 1838.

S. G. HEACOCK.

25th Congress,
3d Session.

Rep. No. 281.

Ho. of Reps.

# CHARLES SUMPTION.

February 13, 1839.

Read, and laid upon the table.

Mr. Saltonstall, from the Committee of Claims, made the following

## REPORT:

*The Committee of Claims, to whom was referred the petition of Charles Sumption, report:*

The petition states that said Sumption was residing at Greenville, Ohio, in the year 1814; that he had a field of corn about three-fourths of a mile from Greenville, at the time a treaty was made with the Indians at that place in 1814; that the Wyandot and Seneca Indians were encamped by the side of said field, and that, a day or two before they left the encampment, they collected their horses together, and turned them into said field, whereby seven acres of corn, worth $150, were destroyed. He prays that he may be allowed the value of said corn.

The only evidence in support of the petition is an affidavit of Henry Treirston, of Dukes county, Ohio, dated the 11th day of December last, who states that he was residing in Greenville in 1814; that, at the time of a treaty with the Indians at that place, Charles Sumption had a field of corn of about seven acres destroyed, as mentioned in the petition; that he frequently saw the corn some time before it was destroyed, and he believes it was worth $150.

This petition is now first presented, twenty-four years after the alleged injury. A claim, grounded on facts which took place so many years since, ought not to be allowed, unless supported by plenary and most satisfactory evidence, and brought clearly within some principle settled as the foundation of a just claim on the Government. If the petitioner sustained the injury as he has alleged, it would have been very easy, while the transaction was recent, to have set forth and proved the circumstances. But it is not necessary to enlarge. In the opinion of the committee, the claim ought not to be allowed; and they therefore report the following resolution:

*Resolved*, That the petitioner is not entitled to relief.

Thomas Allen, print.

2-14-1839

**25th Congress,** [Confidential.] **3d Session.**

# MEMORIAL

OF

## LITTLE JOHNSON, WHITE SENECA, GEORGE JIMESON, AND NATHANIEL T. STRONG,

*As a delegation of Seneca Indians, in favor of the treaty made with the New York Indians as amended by the Senate.*

February 14, 1839.

**Referred to the Committee on Indian Affairs, and ordered to be printed, in confidence, for the use of the Senate.**

WASHINGTON CITY, *February* 14, 1839.

SIR: The enclosed is a statement of facts, made by the Seneca delegation now in this city, in favor of the treaty and emigration, now before your honorable body. This statement exposes the misrepresentations made by a delegation of our people, now in this city, opposed to the said treaty, of the 7th of this month. I beg of you to present it to the Senate, and make the proper reference.

Very respectfully, your obedient servant,

NATHANIEL T. STRONG.

Hon. A. H. Sevier.

*To the honorable the Senate of the United States:*

The undersigned, delegates from the Seneca tribe of Indians, in the State of New York, and in favor of the treaty lately made with the New York Indians, and the amendments thereto,

MOST RESPECTFULLY REPRESENT:

That they were deputed by the said tribe to proceed to Washington for the purpose of making all necessary statements on behalf of the friends of emigration; of correcting the misrepresentations of the adverse party; and, in the name of the nation, transacting such business with the Government as might arise out of the treaty concluded with the United States commissioner in January, 1838. On arriving here, we found the reports of Hon. R. H. Gillet and General Dearborn, commissioners on the part of the United States and of Massachusetts, full and explicit in relation to all the proceedings heretofore, and setting forth most distinctly the assent of a majority to the Senate's amendments. We therefore deemed the first object of our visit in a great measure anticipated, but have, nevertheless, waited with some anxiety, expecting every day to be informed of an attempt, on the part

2-14-1839 See Minutes Vol. 3 p 50 &c.,

of our opponents, to mislead the Government by gross misrepresentations. This expectation was founded on past experience of what had been already attempted, and on the well known character of those who are here, professedly authorized to act for the opposition. Accordingly, we were not surprised when a certain document was shown to us, dated the 7th of February, 1839, and purporting to be a "Memorial of a delegation of the Seneca Indians, protesting against the ratification of the treaty made with the New York Indians, as amended by the Senate," and signed by Israel Jimeson, Seneca White, Maris B. Pierce, John Kennedy, jr.

We have remarked that we were not surprised; and indeed we were not at the mere fact that these men had gravely presented to you a false statement. But we are surprised that the statement is more shameless in the disregard of truth than we supposed even they were capable of making it, and that the only solitary reason advanced for their opposition to the treaty is that it was not executed by a majority of the chiefs. Two of these men, Seneca White and Maris P. Pierce, executed the treaty and deed of sale to the Ogden Company: and when, to answer their private ends, they united themselves with unprincipled white men, and other opposers of our true interests, they gave no reasons for their change, made no objections to the amendments, but recklessly and without cause conspired to defeat a measure which they had once sustained. They find no fault with the terms of the treaty, none with the amendments, but still urge that the treaty should be defeated, and our nation ruined, because *they* say that treaty was not executed by a majority of the chiefs. The contingent ratification of the treaty, on the 11th of June last, is at least *prima facie* evidence that it was executed by a majority of the chiefs, and we supposed that the only question now was, whether the amendments had been assented to.

On this question of majority we are willing to meet our opponents, and shall show that a majority of all the chiefs did execute the treaty, and assent to the amendments. But we do affirm that this is the first treaty ever made by our nation, the validity of which was made to depend on the number of names. It is not, and never has been the custom of the Senecas, to take a vote in council, and our principal and influential men have heretofore, on every occasion, expressed the sense of the nation. We refer confidently, on this point, to every former treaty, and we say, in the words of the old chief Cusick, that we "have never before seen so many influential and respectable names to any treaty as to the present one." We shall proceed, however, to examine the statement of our opponents on the subject of the majority, and it will be found to be untrue in every particular.

It is stated, in the first place, that the number of Seneca chiefs is ninety-two, and that the treaty "received only the approbation of twenty-six chiefs." To sustain this statement, our opponents have presented to you a list which they assert comprises the names of [the] Seneca chiefs. This list is headed with a piece of information entirely new to us, that the Seneca nation is divided into four reservations, as though there were four separate bands; whereas, in fact, the reservations constitute an undivided and common property, under the control of the united Seneca tribe, which meets in general council, directing all the concerns and guarding all the interests connected with that common property. Neither does any portion of the tribe, residing on either reservation, act independently for that reservation. The Seneca nation or tribe is one and indivisible.

But to proceed to the list. Fifty-six persons are given as residing on the four reservations who are stated to be opposed to the treaty, and form a part of their estimate of ninety-two. Now, we unqualifiedly assert that sixteen of the fifty-six have never been created nor recognised as chiefs. The names of the sixteen who are not chiefs, are John Kennedy, John Green Blanket, John Hudson, Joe Hemlock, Johnny John, Jack Johnny John, Samuel Parker, Lewis Poodey, Jim Williams, Isaac Davis, John Dennis, George Silverheels, Oliver Silverheels, Robert Watt, Sky Pierce, and George Killbuck. It was contended on a former occasion, as it will be seen by referring to the printed documents of last session, that those men as well as Wagee and Thomas Runner, were chiefs; but it is well known to every one conversant with the matter, that none of them have ever been created nor recognised as chiefs. They have none of them sat in council as chiefs, and are not entitled to consideration beyond other warriors of the tribe. The statement made by the agent in this particular is in every respect true.

It is proper also to state that, of the fifty-six names exhibited as adverse to the treaty, eight actually signed the treaty and the deed of sale, namely: Seneca White, William Jones, Jacob Bennett, Maris B. Pierce, Daniel Two Guns, George Lindsey, David White, and James Shongo. These men all executed the treaty, and we now ask where is to be found their act of dissent to the amendments? Is it contained in the vague and indefinite declaration of certain individuals on the 28th September, in the presence of General Dearborn, respecting their opposition to the sale, and their unwillingness to emigrate? These eight men had already signed and sealed the deed of sale, and executed the treaty which stipulated for their emigration. Will the Senate say that this general declaration without cause shown amounts to a *protest*, or a *dissent* of these eight chiefs to the amendments? We think not. The paper which they signed was not executed during the sitting of the council, was altogether informal in its nature, and not presented to the commissioner as a dissent to the amendments.

If these, the acts of individuals, are to determine their standing in relation to any particular, most clearly these eight chiefs cannot be classed among the fifty-six names mentioned as opposed to the treaty and to emigration. There are, also, two, George Skenjorkody and Mark Charles, who have executed assents to the amendments. It thus appears that this pretended list of fifty-six chiefs opposed to the treaty and to emigration dwindles, by the deduction of twenty-six, to thirty names, which is, in fact, the whole number of those who are actual opposers of emigration, not having assented, in any form, to the treaty. But with reference even to them, we believe, with General Dearborn, that had it not been for the interference of interested white men, a very large majority would have immediately assented.

Having thus shown that there are really but thirty chiefs in the opposition, we may add, that *fifty-one* have expressed themselves in favor of the treaty and of emigration. And there are the forty-three survivors of those who signed the treaty, *five* who subsequently assented, but were originally opposed, and *three* new chiefs who succeeded those who died after the treaty was executed; making in all *fifty-one*. With respect to these new chiefs, Charles Greybeard, John Hutcheson, and Charles F. Pierce, we allege, that all which is said by our opponents in their memorial, is unfounded in fact. None of us ever informed them that the chiefs were created by the sub-agent. They succeeded, as a matter of course, to the chieftainship, and their right cannot be questioned. We refer to the communication from the chiefs, and to the very conclusive and excellent remarks of General Dearborn on this subject in one of his reports.

The memorial of our opponents states that after the explanations were made by the commissioner, the "chiefs met in *private* council, and after well deliberating, they came to the following decision: That they do not assent to the treaty and the amendments, or consent to part with their lands and remove west of the Mississippi." We were not present at any such council, neither were we invited to attend, nor did we ever hear any such decision announced as the one stated. This is a gross fabrication, and to us bearing on its face the marks of falsehood. But we do know of a decision of council which was made and announced to the commissioner on the 22d September, during the sitting of the council, signed by thirty-five chiefs and many warriors, constituting a majority of the council. It was presented by Captain Strong, in public council, in the presence of those who signed it, to General Gillet, the commissioner, and is printed among the other documents now with the committee. We contend that if any expression of the council, other than such as the commissioner obtained subsequently, is to be regarded, this expression of the majority must decide the whole matter. To the memorial are annexed three remonstrances, purporting to have been signed by warriors. Having understood how similar papers were last year manufactured by the opposition, we only wonder that no more names appear on these. At the councils held by the commissioner, some warriors were present and heard the explanations, and two-thirds of those who so attended signed the assents, in connexion with the thirty-five chiefs, to which we have already alluded as being the decision of the council on the 22d September, and made known through Captain Strong to the commissioner. The names of these warriors were taken in order to show the sense of the people when the question was fairly presented to them, and not because the warriors have any voice in the matter. The whole subject was distinctly presented to the chiefs, who were alone to decide. Our opponents themselves, in their memorial, say, "that the sanction of a majority of chiefs makes a valid treaty." Why, then, do they fabricate papers which they pretend the warriors have signed, men who never attended the council, and the great bulk of whom, when left to their free action, we confidently assert, will joyfully embrace the provisions of the treaty, and exchange their present hard and uncertain condition for one of comfort and permanent prosperity.

An attack is made in the memorial upon the commissioner, honorable R. H. Gillet. He is accused of holding the council open after the dissent was expressed, of using threats and his private influence to obtain signatures. His manner and language are said to be inconsistent with the dignity of the United States, and his course is pronounced shameful and fraudulent. You are, perhaps, well acquainted with this gentleman, thus attacked, and it is unnecessary for us to defend him. His accuser, the author of this vile falsehood and slander, is Maris B. Pierce, a young man educated on the bounty of the Government, and who thus repays it by insulting the Senate with his gross calumnies upon an officer of of the Government, whose unblemished reputation and noble conduct towards our people have obtained for him the respect and love of all who know him. General Dearborn, the commissioner on the part of Massachusetts, and who is well known to the country, reports that the council was continued no longer than necessary; that the course of General Gillet was fair and honorable; and that no advantage was taken—no unfair means. And other highly respectable gentlemen who attended the council have made similar statements, all of which may be ascertained from the documents now in your hands. What, then, must be thought of this slanderer? He now stands convicted on his own statement, from the reports of Messrs. Gillet and Dearborn, of deliberate falsehood.

The honorable Senate will see, that having had to contend with such, and his associates, who were backed by equally unprincipled white men, the friends of emigration have had great difficulties to encounter. We have been assailed in every shape; false stories have been industriously circulated among the people; chiefs have been forcibly prevented from expressing their opinions; our lives have been threatened; and after a treaty has been fairly made and assents freely expressed, we, as well as the officers of the Government, are the subjects of vile slanders. Among others is a paper marked P, affixed to the memorial, in which one of our number, Little Johnson, is represented as having signed a protest made to the superintendent, and which is witnessed by the same Maris B. Pierce. Little Johnson here explicitly denies that he ever authorized his name to be put to that paper marked P. His name is to the treaty and the assent, and as a principal sachem, he rejoices in the opportunity he has had of being a party to a treaty by which such great good must come to his nation; neither did he ever state, as is insinuated, that the agent created three warriors. From his youth upwards he has adhered to the truth, and he now asserts that he made no such declaration, and knows that the three chiefs alluded to, rightfully and according to the usage of the nation, succeeded to the vacancies then existing. We deem it almost unnecessary to refer to the attack made by the memorialists on the agent. During this contest which has agitated our tribe he has advocated emigration, and, of course, has been made the subject of abuse. He is known to us all to have discharged his duties faithfully and honorably. The statement which he has made respecting the number of chiefs, and their names, are all correct, and we especially allude to the statement of March, 1838, to be found in the printed document, pages 99 and 100. The number of chiefs, at the time the treaty was executed, was eighty-one; and when the assents were given to the amendments there was the same number. One of them, Reuben Pierce, was killed during the present winter, at Cattaraugus.

We shall refer to only one point more, and then have done. Our opposers, memorialists, propose to the Senate to cause a survey of our lands, and to make an equitable division of them among the two parties. This is a very singular proposition: as though the Senate could interfere with vested rights, which exist in the State of New York, or that it is practicable to draw a line which will equitably divide our interests. The proposition, on the face of it, is absurd. Such a project, if practicable, would forever break the Seneca nation in two, and result in the entire ruin of our people. We cannot be separated. We have but one interest; and though there may be some diversity of opinion among us now on the subject of emigration, the question being once settled by the ratification of the treaty, our people will all unite and cheerfully prepare for a removal to the west,

**and the occupation of a country which they will look to as the permanent and happy home of themselves and their children.**

**To the Senate we owe many thanks for the attention bestowed on us, and we earnestly solicit a speedy disposal of the matter now before them, in which we are so deeply interested.**

**LITTLE JOHNSON, his x mark.**
**WHITE SENECA, his x mark.**
**GEO. JEMISON, his x mark.**
**NATH. T. STRONG,**
***Delegates.***

**WASHINGTON, *February* 14, 1839.**

2-23-1839

Washington Feb 23rd 1839

frd Joseph Elkinton

I Received your letter yesterday afternoon Giving me information Relative to the appropriation made last Spring. Mr Jimeson & myself went last Evening to see some of the members of Congress Mr Marvin Mr Fillmore & Mr Peck all from the State of New York Respecting it — they ~~[illegible]~~ Advised us to go to the Commissioner of Indian affairs and get a Receipt Drawn By him for the Delegation to sign, and they would Witness ~~[illegible]~~ it

our Delegation are Sued yesterday By Mr Gold, arrested By Marshall of the District of Columbia and we were obliged to give $350. Dollars to Be kept from Close Confinement until we can Give a Sufficient Bond for the Sum of Six Hundred Dollars.

Mr Gold Pretends to Be one of the Delegates of the opposition and wants us to Pay his Expenses During the time he has Remained in this City

I have no news to Communicate in Relation to our affairs I suppose Part of our Papers are still in the Printing office, Your friend John Kennedy

2-23-1839 See Minutes Vol 3 page 37. 53

WASHINGTON D.C.
FEB
23

R. P. Marvin
M.C.

FREE

Joseph Elkinton
South 2nd St No 377
Philadelphia
Pa

3-1-1839

Washington City March 1st 1839,

friend
Jos. Elkinton

I take another Liberty this after noon of informing you of our affairs Here in Washington. Yesterday the Committee of the Senate Reported their Decision in Regard to the amendments Presented By Mr Gillett. But they did not get through it was adjourned until this Morning. Whether they will get through to day I cannot tell if they do not get through to day we Shall hear the Result of it By to morrow —

Mr Blacksmith and myself Have Been to the Commissioner of Indian Affairs this Morning making Inquiries in regard to the appropriation for our Delegation last Spring He inquired of us Whether we were authorised By G L Jimeson & Robinson to take their Share of the ammount appropriated We replied we had no Power of taking their Portion. He said "that We could take Part of the ammount Appropriated last Spring Provided we give Him a Certificate from some of the members of Congress from the State of New York

3-1-1839 see minutes Vol 3 p 37 + 54

We are satisfied that a Part of the amount appropriated will be ~~aff~~ Paid to us By to Morrow

John Kennelly Jr

3-2-1839

Washington City March 2nd, 1839

friend Jos Elkinton

the Senate of the United States has this moment made the Decision on the Subject of the Treaty &c.

We Understand to Be this . that the President Shall have Power to Ratify the Treaty if in his judgement Sufficiently Signed according to the Resolution of the Senate last Spring But if he thought otherwise he can Reject it

So now our Hope is in the President

We have not the Senates Resolution here therefore we cannot send it

frd I think we need assistance verry much as the Subject is laid Before the President for his judgement – the Reason why I think We need your assistance is Because friends have more influence among the officers of the government than we ourselves are

3-2-1839

See Minutes Vol 3 p 57

and if You Can Contrive Some way
to assist Us we Should Be very happ

Your friend John Kennedy

32-1839

March 2d 1839 Passed the Senate

Resolved, that whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11th 1838, with the New York Indians according to the true intent & meaning of the resolution of the Senate of the 11 June 1838 the Senate recommend that the President make proclamation of said treaty and carry the same into effect —

3-2-1839

See Minutes Vol 3-p 57

HINGTON CIT
MAR
2

Pd

Joseph Elkinton
South 2 St No 377
Philadelphia
Pa

WASHINGTON
MAR
1
D.C.

PAID

10

Joseph Elkinton
South 2d st No 377
Philadelphia
Pa

F.E $34.50
T.E.J. 59.62
94.12

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To the Committee for the gradual Civilization of the Indian natives

The Sub Committee appointed to advise and assist the Indians &c in relation to the attempt to force a Treaty ~~[illegible]~~ upon them Report;

That after the close of the Session of Congress in 18 measures were promptly taken by the government to bring the Treaty again before the Seneca nation, together with the amendments proposed by the Senate.

Notwithstanding the decided objections made by the Indians to the former Commissioner, R. H. Gillet, and the improper manner in which it was alleged he had suffered signatures to be ~~taken~~ procured to the Original Treaty, he was again deputed by the government to negotiate with the Senecas. The Council opened on the 17th of 8th month last and was continued for many weeks - H. A. S. Dearborn, Commissioner on the part of the State of Massachusetts, attended it & witnessed the proceedings - of which he has made a detailed Report, the tenor of which is ~~[illegible]~~ unfavourable to the cause & character of those Indians who oppose the Treaty and emigration.

While Speaking of this ~~report~~ it may be remarked, that on reviewing ~~the whole of the~~ documents from the Governor & Commissioner of Massachusetts, sent ~~[illegible]~~ for the use of the Senate of the U. S., they all bear the same general features, & the only points on which they raise a difficulty or doubt, respecting the ratification of the Treaty are, the Commissioner of the United States did not ~~having~~ convene the council on the 15th of November, to which time he had adjourned it, and the permission given to persons to sign the treaty out of council & long after the council had adjourned. On both which, a constitutional difficulty seems to have arisen. Whatever therefore may grow out of the demurs they now make in relation to these points, it is clear that in future negotiations, should such be opened, there is but little to be hoped

3-14-1839 Copied in minutes Vol 3. p. 50.

Note paging.

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for ferme the government of Massachusetts. —

It seems to be admitted on all sides that only Sixteen Chiefs signed the Treaty & amendments in Council, about thirteen signed it at the chamber of the Commissioner either themselves or by proxy, and two were permitted to sign it at their own houses, on account of alleged indisposition — making thirty one — After having proceeded thus far the Council was adjourned on the 2nd of October until the 15th of 11th month — The Commissioner repaired to Washington & after an absence of several weeks, returned to Buffalo, ~~but~~ with fresh instructions, and instead of opening the council agreeably to adjournment, he proceeded to procure signatures to the Treaty & amendments privately, and in this way obtained ~~the~~ names of two more chiefs — of persons claiming to be such — So doubtful was it even now whether they had a number which ~~they~~ could be construed into a majority, such was the anxiety manifested to swell the list, that since the treaty has been ~~under~~ pending in the Senate, the ~~signatures~~ names of three more persons have been permitted to be affixed to it under cover of alleged powers of attorney for that purpose. —

It is easily to be perceived from the foregoing facts that there exists a settled determination to carry ~~into~~ effect ~~already~~ ~~this~~ removal of the Indians & that if the present document shall not be considered a proper one, to carry out the views negotiations will soon be set on foot to ~~procure~~ impart the appearance of validity to others more ample; an opinion which the Secretary of War expressed to the delegation when recently ~~there~~ at Washington. —

~~Immediately on finding that the Commissioner [illegible] adjourned Council a few [illegible] permission to [illegible] the Indians appointed a [illegible]~~

After the Sixteen Chiefs had signed the Treaty those opposed to its ratification requested the Commissioner to continue the council for a few

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day longer as they wished to sign a protest against the treaty which they wanted him to Witness — This he declined doing & forthwith adjourned the council — They then applied to the Commissioner from Massachusetts, who was present when ~~the~~ it was signed by more than Sixty & he affixed his name as a Witness. — ~~[illegible]~~ —

Immediately on finding that the Commissioner of the U.S. did not call the council in the 11th month pursuant to adjournment, the Indians prepared letters of Attorney empowering certain persons to proceed to Washington as a delegation from the Seneca Nation and in its behalf to take such measures as they might deem expedient for ~~oppo~~ resisting the ratification of an instrument which they believed did not ~~convey~~ comport with the will or wishes of the nation — One of the persons so appointed was an Attorney at Law residing at Buffalo, whose services they had occasionally employed in drawing their papers & for other purposes — And to whom they entrusted, on this occasion, the keeping of their remonstrances, affidavits, and other documents, on which they depended for stating their case fully when they might arrive at the seat of government — They paid him a fee of One thousand dollars for his past & anticipated services.

After considerable delay occasioned by his absence from home at the time fixed for starting on the embassy, he at length set out [illegible] by two Indians, but before they had proceeded [illegible] days journey, the papers & documents were all missing, in a manner so mysterious as to give strong ground for the presumption that they had been surreptitiously carried off. —

This event subjected the delegation to great difficulty — New Letters of Attorney were drawn up omitting the name of the lawyer from the list of ~~[illegible]~~ delegates and was duly executed, but he still held those in which his name was inserted — Went to Washington & spent several weeks there, claiming to be the delegate of the Senecas, & finally sued the other member of the delegation for $350, the alleged amount of his expenses. — It is much to be feared that his influence & exertions have been directed to aid their opponents* rather than those whose cause he professed to espouse, and upon whose funds he had drawn so largely. —

About the middle of the 1st month three of the delegates arrived in this city and soon after ~~the~~ a fourth & at a later period four others came on. — They had of course few or no papers — General Dearborn having taken a copy of the Protest, the Sub Committee immediately addressed a letter to Governor Everett of Mass: requesting that a certified copy of it might be forwarded to Washington for the Sec. of War, which was promptly done. — The Sub Committee also advised that the delegation should write at once to their homes & request the affidavits & other documents to be retaken & properly certified & sent on, who This was also done & we believe their appeal to the government lost none of its force from the apparently untoward circumstance of their missing papers.

The Committee also prepared for them a memorial to the President of the United States setting forth the peculiar circumstances in which they were placed, briefly reciting some of the leading facts, and soliciting delay of judgment in the matter, until measures could be taken fully & fairly to represent their case. —

Beside these measures the Committee addressed a letter to the President of the United States, setting forth their views of the ~~whole~~ subject & making such suggestions as the nature of it seemed to them to demand, as also one to B. Swift United States Sen ator, and one of the Committee on Indian affairs — These documents, together with the correspondence with Gov. Everett are herewith submitted for the perusal of the Committee should they think proper to examine them. —

The Committee had ~~it~~ under their serious consideration the propriety of attending at Washington to aid the Indians by their personal services, should any way open for it, but circumstances occurred to prevent such an undertaking had it been deemed proper. —

It will be probably recollected that the Resolution passed by the Senate in the 6th month last year, after approving the proposed amendments to the Treaty (which in fact entirely changed its character), authorized the President of the United States to ratify it, after it had been submitted to the Indians *in Council*, been fully and fairly explained to them, and received their free and voluntary assent. — Had these conditions been clearly fulfilled, in the view of the President, no further action on the part of the Senate would have been requisite. — But on receiving the Report of the Commissioner & the other documents relating to the Council of last Summer, ~~the President appeared to have had~~ doubts appear to have been excited in the mind of the President, as to the compliance with the required condi[tions] and he transmitted the whole subject & documents to the Senate for its action in the case.

By a resolution introduced by a Senator from R. Island the Comm: on Indian affairs were instructed to enquire fully into all the circumstances of the Council, ~~the~~ and manner of procuring signatures to the alleged treaty with power to send for persons & papers & report thereon. — During this investigation, involved as it must be in great difficulty & confusion, the Comm: were deprived of the aid & experience of ~~Judge~~ Hugh L. White, who had for years presided at its meetings, & whose skill & experience in matters connected with Indian treaties might have been peculiarly valuable & important. The Comm: after spending much time in taking testimony and examining documents, ~~the~~ ~~Comm~~: made a report in which they state as their unanimous opinion that the treaty & amendments were fully & fairly explained to the Indians in open council to each tribe separately assembled. * Insert here

On the subject of the council with the Senecas & the signing of their chiefs, the evidence which the Committee ~~they~~ rely upon appears to be chiefly, or entirely, the report of the Commissioner of the United States, & after giving ~~a few~~ several extracts therefrom they ~~have~~ thus conclude—

"The analysis of the whole is that sixteen chiefs signed the amended Treaty in open Council, thirteen in his room in person or by attorneys, two at their own houses where they were sick and ten on the second mission, acting under the instructions of the 30th of Oct., making in all forty one, being only a majority of one, and that majority is made by rating the chiefs at the lowest estimate. This number has been increased by 3 additional names which have been forwarded since the Treaty has been under consideration, which increases the number of those who have assented to forty four. If these forty four had signed the Treaty in open council, the Committee would consider that the requirements of the Senate had been complied with, at least with the appearance of having a majority. But it is in vain to contend that the signatures of the last ten, which were obtained on the second mission, or of the three who have sent in their assent lately, is such a signing as was contemplated by the Resolution of the Senate. — It is competent however for the Senate to waive the usual and customary forms in this instance, and consider the signatures of these last thirteen as good as tho' they had been obtained in open Council. But the Committee cannot recommend the adoption of such

Comes in on page 6.

*

The resolution of the Senate passed Jany: 11th 1838 ~~in~~ amending ~~in reference to~~ the former Treaty with the Senecas Provided that it should be again submitted with the proposed amendments" to each of the said ~~bands~~ tribes or bands [of New York Indians] separately assembled in Council" "and if one or more of the said tribes or bands when consulted as aforesaid shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon those so assenting, altho other or others, of said bands or tribes may not give their consent and thereby cease to be parties thereto: Provided further that if any portion or part of the said Indians do not emigrate, the President shall retain a proper proportion of the said sum of $400.000 dollars & shall deduct from the quantity of land allowed West of the Mississippi such number of acres as will leave to each emigrant three hundred & twenty acres only"—

The obvious intention of these arrangements seemed to be to provide for the cases of those Settlements of Indians where nearly the whole population was opposed to removal;— and as there were but two ~~[illegible]~~ persons, out of more than 600 at the Allegany ~~Settlement~~ reservation who were favourable to emigration, & as the Seneca Nation comprised four bands, living many mil apart, & to a considerable extent differing in their views & habits, ~~the~~ said committee entertained the hope that it was the design of the Senate that [illegible] should be ~~sep~~ submitted to each of those bands separately assembled in Council, & that those who chose to stay should be permitted to do so, a request which the delegation had strongly urged at Washington.—

But it now appears that the Commissioner of the United States, as well as the Executive & Senate take a different view of the subject, & insist that the bands alluded to were only the Cayugas, St. Regis, Tuscaroras, Onondagoes & Oneidas, & that no

Report of the Committee
June 14. 1839

a practice, in making treaties, for divers good reasons which must be obvious to the Senate; and among those reasons against these secret individual negotiations, is the distinct evidence that the chiefs by so acting are doing what a majority of their people do not approve or else that they are improperly acted upon by bribery or threats, and unfair influences. In this case we have most ample illustrations. Those opposed to the treaty accuse several of those who have signed their assent to the amended Treaty, with having been bribed & in at least one instance they make out the charge very clearly" —

The report closes with the remark that "the Comm̄, being but four in number, have been unable to agree ~~to~~ upon any recommendation to the Senate other than to submit the facts, and this they do for the future action of the Senate" —

On the 2nd Inst. in the press & hurry of business at the close of the Session, the Senate rids itself of this unpleasant [illegible] matter by the following Resolution,

"Resolved, that whenever the President of the United States shall be *satisfied* that the assent of the Seneca Tribe of Indians has been given to the Amended Treaty of June 11th 1838, with the New York Indians, according to the true intent and meaning of the resolution of the Senate of the 11th of June 1838, the Senate recommend that the President make proclamation of said Treaty and carry the same into effect". —

In this position the affair now stands, and in looking to the probable action of the President with reference to three modes present, ~~[illegible]~~ one of which it is probable he will adopt. First, to let the whole matter lie over for the action of the next Congress —

Second — To assume that the signatures made out of a mi come within the meaning of the Senate's Resolution of the 11th of June last, and ~~can~~ make a majority ~~&~~ of Chiefs sufficient to render the Treaty a valid instrument, which of course would lead to ~~the~~ its promulgation & execution of the Treaty. — But in taking this course, he would be met by the decided & unanimous Report of the Committee of the Senate on Indian affairs, as well as by the mass of testimony brought forward to prove the improper manner in which many of the signatures were obtained. —

The resolution of the Senate passed 11th of June last holds this language "Provided always & be it further resolved that the Treaty shall have no force or effect whatever as it relates to any of the said tribes nations or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same with the amendments herein proposed, is submitted and fully & fairly explained, by a commissioner [illegible] to each of the said tribes or bands separately assembled in Council and they have given their free and voluntary assent thereto" —

These being the indispensable requisites prescribed by the Senate to secure its assent, it appears to the Sub Committee that the absence of any one of them quashes the whole proceeding & annuls the ~~same~~ Treaty. — Now the fact is as stated ~~both~~ both by the Commissioner of the United States, & of the State of Massachusetts and also by the Report of the Senate's committee, that after the Treaty & amendments had been explained to the Senecas in a council & nearly six weeks [illegible] only sixteen Chiefs, less than one fifth of the lowest estimated number, affixed their signatures. This then was, beyond doubt, a formal rejection of the Treaty by the nation, & agreeably to the resolution of the Senate it ought to "have no force or effect whatever" — nor can it be understood that the Senate have assented to any of the contracts connected with it" —

That the Resolution of the Senate contemplated "a free

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and voluntary aſsent" by the nation aſsembled in Council is obvious both from the words of the resolution itself and from the circumstances which led to its adoption. The signing out of council and the frauds & bribery to which it led, had~~ing~~ been fully laid before ~~that body~~ the Senate as an insuperable obstacle to the ratification of the original treaty, and were so clearly made out as to give rise to this resolution to guard against them in future. —

The Sub Committee cannot perceive by what proof the Committee of the Senate make the signing of the thirteen at the Chamber of the Commiſsioner & of the two at their own houses, any more conformable to the resolution of the 11th of 6th Month, than that of the last thirteen — it being clear to our minds that the original sixteen only come ~~fairly~~ within the conditions prescribed. It is not probable however that the Executive will concur in this view of the matter; but if ~~with~~ in conformity with the report of the Senate Committee he rejects the last thirteen, it leaves only Thirty one Chiefs aſsenting to the Treaty which is two leſs than a majority, taking the lowest estimate as the whole number of Chiefs — It would seem therefore scarcely probable that the President will ~~be~~ adopt this course, eſpecially as the Committee of the Senate state they "cannot recommend the adoption of such a practice in making treaties, for divers good reasons." ~~[illegible]~~

The other course then would be to authorize the Commiſsioner again to aſsemble the Senecas in Council and submit the Treaty & amendments for their aſsent. From an intimation given to the Indian delegation by the Secretary of War while recently at Washington, it would seem that this proceeding had been looked to, but we are not informed whether any appropriation was made by Congreſs for such purpose, without which

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it would hardly be undertaken. —

Having endeavoured to present to the Comm<sup></sup>
all ~~the~~ material facts relative to the present position & prospects of this affecting Subject, the Sub Committee may express their entire conviction that there is a fixed resolution ~~not to cease~~ on the part of the pre emption holders & others, not to ~~desist~~ relax in their efforts until the scanty pittance of soil in possession of the Senecas is wrested from them & the nation driven to the Western Wilderness, & that the probabilities of this unrighteous determination being carried out at an early period, appear to be increasing — It remains for the Committee seriously to consider what further Steps ~~are~~ it may be right for it to take, in discharge of the duty we owe to these oppressed & helpless people, & of the weighty trust devolved upon ~~it~~ by the Yearly Meeting —

Signed —

Philad 3rd mo. 14th 1839

Saml Bettle

Thomas Evans

Jos Elkinton

3-23-1839

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The undersigned has attentively read the memorial of the Committee for the gradual civilization and improvement of the Indian natives" appointed by the yearly meeting of the Religious Society of Friends in Pennsylvania, New Jersey and Delaware" in relation to the treaty concluded with the Seneca tribe of Indians at Buffalo in January 1838, referred to him by the President, and in reply to the remonstrance and remarks it contains, begs leave to state, that it is not the intention of this Department, at present, to recommend to the President to abrogate or to promulgate the treaty of 1838, but again to submit it to the Chiefs in Council and once more attempt to obtain the consent of their nation to the execution of its provisions. Whenever the time comes for assembling the Indians for this purpose, the undersigned will be much gratified if the committee will designate one or two of their number to be present in order that the Religious Society of Friends may be convinced and informed of the perfect fairness with which such negotiations will ever be conducted by this department.

3-23-1839

The undersigned avails himself of this

Copied in Minutes Vol 3 p 65.

occasion to express his regret, that the Society should continue opposed to the emigration of the Indians and to their peaceful settlement West of the Mississippi. In answer to their objections he would say that the first objection to the execution of this treaty does not apply to the intentions of the Government as manifested in all its provisions. In removing these Indians from the pressure of the white population which surrounds them on every side and by which, as all past experience proves, they must in the end be annihilated as a nation, the Government does not wish to compel them to encounter the precarious and exposed life of the hunter, and the many beneficent provisions of the treaty, combined with the friendly disposition of the Government towards them, will smooth the difficulties and soften the hardships of settling a wilderness country.

With regard to the character of the lands West of the Mississippi on which it is proposed to settle these Indians the information possessed by this department is totally at variance with the statements contained in the memorial. The Government, however, would be as unwilling as the Society that there should be any mistake in this particular and proposes, with the concurrence of the Committee to send out such persons as may be selected for their knowledge of land fitted for agricultural purposes,

3-23-1839

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With regard to the character of the land west of the Mississippi on which it is proposed to settle these Indians the information possessed by this department is totally at variance with the statements contained in the memorial. The Government, however, would be as unwilling as the Society that there should be any mistake in this particular, and proposes with the concurrence of the Committee to send out such persons as may be selected for their knowledge of land fitted for Agricultural purposes to examine the tract of country set apart for the tribe and if there exist any serious objections to it either from its location or the quality of the soil, to select some other tract better adapted to their immediate wants and more suited for their future advancement in the in the social arts. The department is desirous that the Religious Society of Friends should continue to extend their fostering care over these Indians whenever they are removed to their new homes in the West and if any other location than that already selected will be found more effectually to conduce to that object than the present one, no obstacle will be opposed to the change—

In any arrangement made for the emigration of these Indians the Government will use no coercion in precipitating their removal— They shall have full time to make the necessary preparations for their departure and those who prefer to remain if there be any so blind to their own interest as to desire it shall be allowed to do so upon such conditions as may hereafter be prescribed—

War Department (Sign'd) J. R. Poinsett
March 25. 1839

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War Department (Sign'd) J. R. Poinsett
March 23rd 1839

Document from
War Department
Copy 1839

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The undersigned avails himself of this occasion to express his regret that the Society should continue opposed to the emigration of the Indians & to their peaceful settlement West of the Mississippi. In answer to their objections he would say that the first objection to the execution of this Treaty does not apply to the intentions of the Government as manifested in all its provisions.

In removing the Indians from the pressure of the white population which surrounds them on every side, & by which as all past experience proves, they must in the end be annihilated as a Nation, the Government does not wish to compel them to encounter the precarious and exposed life of the Hunter, & the many beneficent provisions of the Treaty, combined with the friendly disposition of the Government towards them, will smooth the difficulties, & soften the hardships of settling a wilderness Country.–

With regard to the Character of the land West of the Mississippi on which it is proposed to settle these Indians, the information possessed by this department is totally at variance with the statements contained in the Memorial. The Government, however, would be as unwilling as the Society that there should be any mistake in this particular, & proposes, with the concurrence of the Committee, to send out such persons as may be selected for their knowledge of land fitted for Agricultural purposes, to examine the tract of Country set apart for the Tribe, & if there exist any serious objections to it, either from its location or the quality of the soil, to select some other tract, better adapted to their immediate wants, & more suitable for their future advancement in the social arts.– The department is desirous that the Religious Society of Friends should continue to extend their fostering care over these Indians whenever they are removed to their new homes in the West, & if any other location than that already selected will be found more effectually to conduce to that object, than the present one, no obstacle will be opposed to the change.

In any arrangement made for the emigration of these

Indians. the Government will use no coertion in precipitating their removal. — They shall have full time to make all the necessary preparations for their departure, & those who prefer to remain, if there be any so blind to their own interest as to desire it, shall be allowed to do so upon such conditions as may hereafter be prescribed. —

War department
March 23 - 1839 }

J. R. Poinsett

In this case, the government will have to [illegible] facilitating their removal. — They should have full time to make all the necessary preparations for their departure. Whenever the people or a remnant of them be are restored [illegible] to do so upon such conditions as may be [illegible]

War department
March 23. 1839

(Signed) J. R. Poinsett

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to examine the tract of country set apart for the tribe and if there exist any serious objections to it, either from its location or the quality of the soil, to select some other tract better adapted to their immediate wants and more suited for their future advancement in the social arts. The Department is desirous that the Religious Society of Friends should continue to extend their fostering care over these Indians whenever they are removed to their new homes in the West and if any other location than that already selected will be found more effectually to conduce to that object than the present one, no obstacle will be opposed [illegible]

In any arrangement [illegible] emigration of these Indians [illegible] no coercion in precipitating [illegible] have full time to make [illegible] for their departure [illegible] there be any so blind [illegible] shall be allowed to [illegible] hereafter be prescribed.

War Department
March 25 - 1839

James Stryker Esq. Newyork 11 May 1839

Dear Sir, No 2

Your letter of the 9th Inst with one of the same date from the Revd I. F. Schermerhorn have been received. I shall send copies of them to Mr Fellows, and in doing so am desirous to state the Ground on which a further advance is now requested, that is. whether as a loan to the Contractors, or as, a disbursement to be ultimately borne by the proprietors.

When Mr Wadsworth advised me of his consent, on certain Conditions, to extend the time limited by the contract for its duration. no mention was made of any new stipulations in regard to further advances by the proprietors, no of any change in its provisions - I consequently supposed hat the best Exertions of the Contractors were to be continued on the basis of the Contract and yet, as I understand the concluding part of your present letter, you consider yourself authorized to intermit them altogether, if further advances be not now made. thus seeming to ssume that the proprietors are under obligation to make them.

If I misunderstand the existing provisions of the Contract r misconstrue the Import of your letter, I should be glad to e set right on both points, and to know more precisely the Nature nd Extent of our present obligations towards each other

I shall request Mr. Fellows to address you at Buffalo without unnecessary delay. and authorize him to act on my behalf as nay be judged expedient —

I am respectfully

Yours

T. L. Ogden

No 4

James Stryker Esq — N. York 13 May 1839 —

Dear Sir,

Your letter of this date is just received. — The ground you take as to the performance of the contract is new to me, and, as I think, inconsistent with the principles on which both the Trustees and the contractors have uniformly acted since the treaty was signed.

I agree with you that we ought to understand each other on this point, as on all others, at once, and under this impression, when I perceived in your former letter intimations looking, as I thought, to views of our relative positions different from those entertained by me, I deemed it proper & necessary to invite further explanation. That which you have given shall be sent to Mr. Fellows, to whom with Mr. Wadsworth the whole subject will be referred — I have ever contemplated a fair and prompt fulfillment of all the conditions of the existing agreement between the Trustees and the contractors, and on recurring to my letter of the 11th can find in it no intimation to the contrary.

The grounds on which the associates were unwilling to come under further advances, have been too often expressed to require repetition. You are aware of the circumstances of many of us, and the extreme inconvenience and difficulty of raising funds at the present time, willing and desirous as they always have been to afford to you and your associates such reasonable accommodations as were within their power.

Acceptances or other prospective Engagements, are Expedients which find no Advocates among our Concern. — Those who are accustomed to deal in them, are unwilling to assume a responsibility for others. — I am not in the habit of offering my name on negotiable paper and am in principle opposed to it

I have no time to carry on this diplomatic sort of Intercourse — If you wish to ask or to give any further Information, let me see you

Yours respectfully

T. L. Ogden

New york May 16. 1839.

Gent:

I send you the correspondence between Mr Ogden & myself respecting further advances. You will find that I took strong ground with him. He has now referred the whole matter to Messrs Fellows & Wadsworth who are to proceed to Buffalo & arrange for further advances in order to meet present expenses & to obtain some more assents. It is thought that it is best to get 6 more assents if possible & it will give the majority of the chiefs as numbered by the highest estimate. Mr Ogden is quite clever since the correspondence, but he seems to ~~be quite~~ astounded at the ground I took respecting *their* obligations under the contract.

I am about a business exceedingly important which will detain me a few days longer than I expected - but I shall start for home at all events next week. Strong has gone.

Most truly Yours

Jas Stryker

H.B. Potter
O. Allen
H.P. Wilcox } Esqrs.

Heman B. Potter
O. Allen
H. P. Wilcox } Esqrs.

Buffalo.

James Stryker
May 16. 1839

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Rec'd. May 21.

Minutes of the Proceedings of an Inquiry holden at the village of Caughnawaga on Friday the 31st of May and Saturday the 1st of June 1839 for the purpose of investigating the charges preferred by certain Chiefs and Indians of the Iroquois Tribe. Against Captain James Hughes, the Superintendent, and Mr Bernard St Germain, the Interpreter, in the Indian Department at Montreal, in a Petition addressed to His Excellency The Governor General without any date.—

Present:

The Secretary of Indian Affairs: The Resident at St Regis: and the Agent to the Indians of the Sault St. Louis.—

Captain Chesley having been duly sworn to act as Interpreter, by Mr Joseph Baby J. P. the Proceedings commenced at 10 A. M. with the examination of the Senior

Grand Chiefs

Grand Chief Martin Tekanasontie.—

Witness No. 1. The Grand Chief Martin Tekanasontie being duly sworn was examined upon the several charges in the Petition & acknowledged that he had subscribed his mark to the Petition, then produced to him.—

The Witness being interrogated upon the 1st charge, stated, that Ignace Delisle has too much influence with the Superintendent in the distribution of the Surplus Presents: that he is in the habit of running to Montreal with Stories and making mischief amongst the Indians as described in the said charge; but Witness denied the first part of the charge, namely that Captain Hughes had refused to listen to their complaints, excepting in one particular instance when the Superintendent refused to accompany the Chiefs to the Government House at Montreal: In reference to the 2nd charge the witness stated that since Ignace Delisle has been expelled from the Council, (March 1839) the Superintendent has continued to make all his communications to the Chiefs through him, and he believes, that Ignace has falsely represented such information to the Chiefs.—

In explanation of the 3rd charge, the Witness stated, that he has no knowledge whatever of the allegations contained therein: the Witness at the same time, stated, that on the 4th of November last, The Revd. Joseph Marcoux, the Missionary, told the Indians, that they were too few in number to resist the Rebels and advised them to give up their arms at once!—

In reference to the 4th charge the Witness declared that he had never heard the Superintendent use foul or unbecoming

language

language to any Indians.—

Upon the 5th charge being interpreted to the witness, he stated, that Ignace Delisle, and another Indian, told the Chiefs, that they had been advised by the Superintendent to call meetings of the young men for the purpose of ascertaining whether the Majority of the Tribe had sanctioned the removal of the said Ignace from the Council.—

In reference to the 6th charge it was explained to the witness that the Titles alluded to therein are in the possession of the Superintendent and Mr Boston, Queens Council, with which he appeared to be perfectly satisfied.—

Upon the 7th charge being explained by Captain Chesley the Interpreter the witness stated that he could not speak to this charge, but he added, that the Chief Tie herote, and the Warriors Charlie and Tehawise nonton had asserted, that in general Mr St Germain did not explain fully the expressions of the Chiefs.—

In regard to the 8th charge the witness disclaimed any knowledge of the subject of it, and at the same time he voluntarily declared, that the Superintendent had used every exertion in his power, and had succeeded in obtaining for the Chiefs of Caughnawaga their lawful share of the annuity payable to them by the State of New York.—

In reference to the 9th head of complaint it was explained to the witness, that the Government

Government House Reserve at Caughnawaga is in the charge of the Superintendent who selected Ignace Delisle to take care of the Property until it can be occupied as the Residence of the Interpreter or Schoolmaster who may be appointed to that Village. —

Upon the 10th charge, the witness stated, that he was one of the Chiefs who requested the Superintendent to draw the monies in question from the Agent, and he is satisfied that the Chiefs have duly received the full amount thereof from Captain Hughes. —

In reference to the 11th charge it was explained to the witness that the Bundle of Papers in question, had been duly forwarded to the Civil Secretary and were in fact in his office when His Excellency The Governor General was pleased to see the Chiefs at Montreal in the month of April last and that the said Papers have very recently been transferred to the Secretary of Indian Affairs in whose hands they are at present.

Upon receiving this explanation the witness observed, that he had understood the Superintendent to say that as these documents had been prepared by Mr. Marcoux and had been frequently before the Government he did not think it would be of any use to submit them at present. —

Upon the 12th charge the witness appeared to be satisfied with the explanation of the Superintendent that undue praise had not been given

to

to Ignace Delisle, and that their Father The Governor General, was sensible of the services rendered by all the Indians present on the 4th of November last.—

The witness professed his inability to speak to the 13th Charge.—

The witness disavowed any participation in making the 14th charge, and on the contrary proved that the Superintendent advised the Indians to restore several articles of property which had been plundered from Loyal subject. The Superintendent has shewn that he was on duty at the Lake of the Two Mountains, during the movements of the Troops and Indians to Chateauguay, and elsewhere, on the south bank of the St Laurence.—

The 15th charge or Paragraph of the Petition is merely an explanation of the reasons assigned by the Petitioners for having excluded Ignace Delisle from the council.—

The witness contradicted the assertions contained in the 16th charge, and stated with reference to it, that when the Chief Tenicikate proposed the Petition to the other Chiefs, several passages in it were objected to at the time, which he, Tenicikate, promised to erase; but has not done.—

The Inquiry of the first day closed at 4. P. M. on Friday the 31st of May 1839
(signed) D. C. Napier
S. I. A.

The Inquiry was resumed on Saturday morning the 1st of June 1839 at 9 A.M. in the Government House at Caughnawaga.

The following Indians were examined upon the complaints of the Petitioners generally.—

Witness No. 2. Joachim Tioronhiate, one of the signers of the Petition, being duly sworn, stated that he signed the Petition That one of his objects in signing it was to have Ignace Delisle removed from the Council: that the Superintendent does not take the Opinion or advice of the Chiefs in the distribution of the Presents: That the Petition was prepared by Teseihate who was employed by the Chiefs for that purpose: That he heard the Petition read and approved of what was stated in it: he cannot swear that the Petition now produced is the one that he signed: That he has nothing further to say on the subject.—

Witness No. 3. Michel Taikainawakwa one of the Petitioners having been duly sworn acknowledged his signature to the Petition and that at the time he signed it he approved of what was stated therein: That the Superintendent paid no attention to the Chiefs, and attended more to Indians who have no authority than to them: that he finds fault with the Superintendent for having interfered with the payment of the United States Annuity at St Regis in August last: That he is dissatisfied at one Indian Ignace Delisle having the use of the Government Garden which he thinks should be appropriated to the joint subsistence of the Tribe on the occasion of Public meetings: That he has nothing further to say on the Petition. —

Witneſs No. 4. Louis Twasarasakere being duly sworn acknowledged his original signature to the Petition: That he heard it read and approves of what is therein stated: This witneſs observed that the Chief Tenechate wrote the Petition at the request of the other Chiefs and that he understood it to have been prepared from another written Paper: that he knows nothing from his personal knowledge of the Complaints against Captain Hughes. —

Witneſs No. 5. Ignace Atawhatha being duly sworn stated that he signed the Petition & believes the Paper now produced to be that document: That the Chief Tenechate drew up the Petition at the request of the Chiefs: saw only one Paper: the Petition in question: That he cannot speak to any of the allegations it contains, and that he was induced to sign it because the Chiefs had done so: has nothing further to say. —

Witneſs No. 6. Thomas Sa-wen-o-wani being duly sworn stated that he signed the Petition which was drawn up by the will and desire of the Chiefs: that when the Chiefs went before the Governor General to prefer their Complaints, His Excellency desired them to put them in writing: that they did not feel themselves capable of doing so, and that three or four of the Chiefs were deputed by the Council to apply to Mr Marcoux the Miſsionary to draw up their Petition:

That

That the deputation of which he was one did so and that Mr Marcoux said he was much occupied at the time, but notwithstanding told them that he would write one for them and have it finished on the Saturday before Easter, when he would read it to them and if they disapproved of it, it might be torn up: That they had applied to Mr Marcoux because he had been useful to them on a former occasion when they sent a Deputation to England. That the Chiefs have presented this Petition as they feel much disatisfied with the treatment they have received from the Superintendent That it is notorious, that their Village has been divided into two parties for some time past. That when either Party waits upon the Superintendent with Complaints against the other, they say, that they receive every encouragement from him: That the Chiefs complain of the Superintendents conduct, in writing a Letter to the Resident at St Regis, to divide their annuity from the State of New York between the Iroquois of the Lake of the Two Mountains and their other Tribes and they perceive that the Supert. pays no attention to what they say; but takes up the time of their meetings in talking himself.—

Witness is of opinion that the Superintendent thinks the Chiefs are not as wise as the Young men and therefore attaches more importance to the statement of the latter. The Witness observed that the Chiefs are quite displeased and that the women of the Village join in the general complaint that Ignace

Delisle

Deliske should continue to enjoy the use of the Government Garden. The witneſs has nothing further to state. —

Witneſs No. 7. Pierre Sakoternie being duly sworn, stated, that he signed the Petition and heard it read; and, that it was written by the Chief Teinehate. That he is not pleased that the use of the Government Garden should have been given to one person, and he complains that in the distribution of the Presents the Superintendent listens more to Ignace Delisle, than he does to the Chiefs. Witneſs stated that Ignace sometimes obtains a large Blanket for a small one in preference to the Chiefs and that two other sub-Chiefs and himself were omitted in the distribution of Scarlet Ratteen last Winter whilst two others who were not of the Council received a portion of it:
That he has nothing more to say. —

Witneſs No. 8. Thomas Tiokatekon Grand Chief being sworn, stated that he knows of the Petition and put his croſs to it. That the Petition was written by the Chief Teinehate in the House of Taiomkwa: that Mr. Marcoux had been requested by the Chiefs to draw up the Petition: that Mr. Marcoux agreed to get another person to write it and did so. That the person he chose was George de Lorimier. Witneſs stated that the matter contained in the Petition is composed of the opinions of the several members of the Council: that he approves of what has been stated by Thomas Sawennowanie. (Witneſs No. 6) that the Superintendent and Interpreter have frequent conferences with Ignace Delisle and that they say

he

he is wiser than all the rest of the Council: that they transact business with Ignace alone which ought to be done with the Chiefs and Council: That he has nothing further to state.

Witness No. 9. Charles Katsirakeron Grand Chief being duly sworn, says that the Chief Teinehate read the Petition to him when he signed it: That he saw him Copying the Petition from a Paper which he was told the Missionary had drawn up: That he feels dissatisfied with the superintendent for having refused to accompany the Chiefs to the Government House at Montreal when they went to Town with the Bundle of eight Papers, and that he then considered, as he now does, that the Superintendent prevented their having an Audience of The Governor General: That he likewise complains of the Superintendent and the Interpreter for bringing the Council into contempt with the Young men and for praising Ignace Delisle: that upon the occasion of Ignace Delisle being prevented from going to the North West it was done at the urgent request of the Superintendent and Interpreter: Corroborates the statement of the Witness No. 7 respecting Ignace Delisle's occupation of the Government Garden? —

Witness No. 10. Joseph Teneihate Chief being duly sworn, States that he transcribed the Petition from such portions of a Paper written by George de Lorimier as had been selected by the Chiefs: That he went in the first instance with Sawenowane (Witness No. 6) and others to the Priest to request him to draw up a Petition, to which Mr Marcoux consented at the time: but

but afterwards declined upon the ground that a bad feeling existed between the Parties in the village, he however accompanied the witness and the said Sawenowane to George de Lorimier's House and got him to write the Petition in question: Witness complains that upon asking the Superintendent what news he had received from their mother the Queen he replied that he would not make any communication to them, until they were united and that the Chiefs were very foolish in expelling Ignace Delisle from the Council: witness fully Corroborated the statement of Thomas Sawenowane respecting Ignace Delisle's occupation of the Government Garden at Caughnawaga.—

Witness No. 11.— Joseph Kewatenra, Grand Chief being duly sworn, stated that he signed the Petition and that he believes the statement of the preceding witness (No. 10) Joseph Teneihate to be correct in every particular.—

Witness No. 12.— Charles Owanorow being duly sworn stated that he signed the Petition now produced and that he fully corroborates the statements of the witness No. 10 Joseph Teneihate.—

Witness No. 13. Louis Tsiorakwisen on being duly sworn stated that he signed the Petition in question that he has no personal dislike to Captain Hughes but from his acquaintance with him in the North, he told the Council on hearing of his appointment that he would

never

never answer them and he now finds that his predictions have been verified: Witneſs has nothing further to State.—

Witneſs No. 14.- Pierre Tatekenniate being duly sworn, Stated that he signed the Petition at the same time with the others: that he was told it was an application for their Lands in La Prairie and was induced to sign it in consequence of such information.—

Witneſs. No. 15.- Simon Thoantaken being duly sworn, declared that he signed the Petition because he was advised to do so by the Grand Chief Martin Tekanasontie and has nothing further to State.—

Witneſs No. 16.- Pierre Thawisonnonta being duly sworn Stated that he signed the Petition: That in the distribution of the Presents at the last issue he was turned out of the Room by the Superintendent and Interpreter while several young men not chiefs were permitted to remain: That he has the same Complaint to make as the witneſs No. 7 in regard to the use of the Government Garden.—

Witneſs No. 17.- François Xavier Kasakete being duly sworn, acknowledges his signature to the Petition and fully Corroborates the Statement of the Witneſs No. 10.- Joseph Teneihate.—

Witneſs No. 18.- Pierre Shawanhese being duly sworn Stated that he signed the Petition and that he approves of the explanation given by Joseph Teneihate No. 10 in regard to that document.—

Bernard St. Germain, the interpreter, in the Indian Department in Montreal. PUBLIC ARCHIVES OF CANADA, OTTAWA, FEDERAL ARCHIVES DIVISION, RG 10, VOL. 663.

Witness No. 19.— Joseph Tewannitaucken being duly sworn, stated that he signed the Petition, and that he entirely coincides with the testimony afforded by Joseph Tenihate (No. 10) upon the subject thereof.

The foregoing evidence was taken in our presence at Caughnawaga.

(Signed) D.C. Napier
S. I. A.

(Signed) J. Baby. Agent
of Sault St Louis.

I certify that the foregoing answers were interpreted by me at Caughnawaga on the 31st May and 1st June 1839

(Signed) S. Y. Chesley
Rest. Ind. Dept.—

Certified
Copy.
D.C. Napier
S. I. A.

Dominion of Canada, Province of Ontario, County of Ontario. To Wit :

Personally appeared before me William Plummer, of the city of Toronto, in the said Province, Visiting Superintendent of Indian Affairs, and Joseph Benson Naningeshkung, of the Township of Rama, in the County and Province aforesaid, the Chief of the Rama Band of Indians, who being duly sworn, severally depose and say,

1st. The Said William Plummer for himself saith that the annexed Release or Surrender was assented to by the said Joseph Bensón Naningeshkung, he being the only Chief of the said Tribe or body of Indians, assembled at a meeting or council of the Tribe summoned for that purpose.

2nd. That the meeting or council was held in his presence ; and he heard such assent given.

3rd. That he was duly authorized to attend such council by the Minister of the Interior.

And the said Joseph Benson Naningeshkung for himself saith :

1st. That he is a Chief and the only Chief of the Rama Band of Indians, and was entitled to vote at the Council or meeting above mentioned.

2nd. That the annexed release or surrender has been assented to by him.

3rd. That such assent was given at a meeting or council summoned for that purpose, at which he was present, and also the other deponent, William Plummer.

WILLIAM PLUMMER.
J. B. NANEGESHKUNG.

Sworn before me by the said deponents, William Plummer and Joseph Benson Naningeshkung, this 27th day of August, 1873.

J. N. S. Robt. Gowan,
*Senior Judge, Co. Simcoe.*

Recorded 1st October, 1875.
Liber S, Folio 234.

L. A. Catellier,
*Deputy Registrar-General of Canada.*

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## No. 148.

*To His Excellency Lieutenant-General Sir John Colborne, G.C.B., G.C.H., Governor General, &c., &c., &c.*

Report of a Committee of the Executive Council. Present : the Honorable Mr. Stewart in the Chair ; Mr. Cochran, Mr. Sheppard and Mr. Daly; on Your Excellency's reference of the Petition from Mr. McNab and Mr. C. D. Morson relative to Kettle Island, leased by them from the Indians.

Approved,
J. Colborne.

May it Please Your Excellency:

The Committee, having taken into consideration the petition of Mr. McNab and Mr. C. D. Morson, they are humbly of opinion that the lease for Ninety-nine years of Kettle Island, granted in the yar 1818 by certain Indian Chiefs to one Eleazar Gillson, and latterly acquired by the petitioners, is null and void, inasmuch as the Indians have no right to grant Leases or dispose of the Lands situated within their ancient hunting grounds.

In support of the claim of the petitioners they state that Lord Dalhousie, then Governor-in-Chief, in declaring that "the Indian leases are good for nothing" had added that Mr. Gillson will not be disturbed in his hold of them; but the Committee do not think that this promise can be construed to permit Mr. Gillson to dispose of a lease which was stated to be good for nothing.

The Committee would, nevertheless, under the circumstances of the case, recommend the petitioners to the favourable consideration of Your Excellency, and that some compensation may be made to them from the rent which may hereafter be received for Kettle Island, or from such other funds arising from Indian leases on the Ottawa as may be at the disposal of Your Excellency.

The Committee, however, are likewise of opinion that the leases lately given of this island by an Officer of the Indian Department to certain occupants is equally irregular and invalid, and that the island should be considered and treated as a part of the waste lands of the Crown, and all intruders ousted who have not a title from the Crown.

In considering the foregoing petition, together with the reports thereon of the Indian Department, the Committee have been led to have reference to an approval Report of Council, dated 13th June, 1837, which enters at great length into the management, affairs and territorial claims of the Indian tribes resident in Lower Canada, and from which the following extract is submitted for Your Excellency's information :—

"The Iroquois, Algonquins and the Nipissingues, collected under the spiritual care of the priests of the Seminary of Montreal at the Lake of the Two Mountains, and forming altogether a population of 864 souls, have no land in their actual possession, except about 260 acres of sterile soil, which they occupy by permission of the Seminary, the possessors of the seigniory.

"The circumstances of these tribes appear to the Committee to demand the peculiar attention of Government, having done good service in the field in aid of His Majesty's arms, both during the former and the late war with the United States; they are now among the most helpless and destitute of the Indians of Lower Canada. They have laid before Your Excellency a claim to be maintained in the enjoyment of the residue of their hunting grounds on the Ottawa River, not as yet comprised in settlements and townships, and to be compensated for that part which has been taken from them for those purposes by the Crown.

"The claim of these Indians (the Iroquois, Algonquins and Nipissingues of the Lake of the Two Mountains) comprises a tract of country on each side of the Ottawa River, reaching from the seigniorial grant for some hundred of miles upwards; and they ask that besides compensation for that portion of this territory which the Crown has granted away or the white population has occupied they may be protected in the enjoyment of the remainder against further encroachment or grant.

"There appears no reason to doubt that under the French Government, the hunting grounds of these nations may have covered the whole extent which they now describe, and that their right so to use it was as little disputed and as well defined as any of the territorial rights of the other Indian tribes. These petitioners now appeal to the terms of the Royal Proclamation of 1763, and it appears to the committee that as that Act of State has been considered sufficient to guarantee to the Iroquois of St. Regis the possession of their present reservation, to which it is stated that they had no other right than as part of their ancient hunting ground, the Algonquins and Nipissingue tribes may have some grounds to complain if they are deprived of the benefit of the same protection for their claims. They have brought forward their pretensions on various occasions, and it is to be inferred from some of the documents which they produce in support of their application that their right to compensation was at least in one instance distinctly admitted by Lord Dorchester.

"The Committee, however, conceive that the claims of these, and indeed of all the Indian tribes, in respect of their former territorial possessions, are at the present day to be resolved into an equitable right to be compensated for the loss of the lands from which in former times they derived their subsistence, and which may have been taken by Government for purposes of settlement, and that the measure of such compensation should be to place and maintain them in a condition of at least equal advantage with that which they would have enjoyed in their former state. Viewing in this manner the claim now made by the tribes in question, the Committee recommend that a sufficient tract of land should be set part in the rear of the present range of townships on the Ottawa River, and that such of them as may from time to time be disposed to settle on land should be located there, and that both they and the rest of these tribes should continue to receive such support, encouragement and assistance as may supply the place of their former means of subsistence, and at the same time prepare and lead them to a state of independence of further aid.

"The Committee assumes that the Indians must continue to be as they have hitherto been; for whether under French or English dominion, they have been taught exclusively to look for paternal protection in compensation for the Rights and Independence which they have lost. Until circumstances render it expedient that they should be turned over to the Provincial Legislature and receive legislative provision and care, the Committee conceive that all arrangements with respect to them must be made under the immediate directions of Her Majesty's Government, and carried into effect under the supervision of officers appointed by it."

As the recommendations of this report tended not only to exclude the Indians from any participation in the management of their affairs, but negatived their right of property at the present day in the lands which they once held as hunting grounds, the Committee respectfully suggest that the officers of the Indian Department be instructed to act in accordance with the tenor of the aforesaid report, it appearing to have been overlooked in recent orders given by Colonel Hughes, for leasing the islands in the Ottawa River, and of which the secretary, Colonel Napier, had no knowledge.

All of which is respectfully submitted to Your Excellency's wisdom.

By order,

J. STEWART,
*Chairman.*

COUNCIL CHAMBERS, 17th June, 1839.

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## No. 143 A.

ARTICLES OF A TREATY made and concluded at Beren's River the 20th day of September, and at Norway House the 24th day of September, in the year of Our Lord one thousand eight hundred and seventy-five, between "Her Most Gracious Majesty the Queen" of Great Britain and Ireland, by Her Commissioners the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-west Territories, and the Honourable James McKay, of the one part, and the Saulteaux and Swampy Cree tribes of Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs, chosen and named as hereinafter mentioned, of the other part.

WHEREAS, the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at meetings at Beren's River and Norway House to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians of the other.

AND WHEREAS the said Indians have been notified and informed by Her Majesty's said Commissioners that it is the desire of Her Majesty to open up for settlement, immigration and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of Her Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence.

AND WHEREAS the Indians of said tract, duly convened in council as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them the said Indians, have thereupon named the following persons for that purpose, that is to say :

For the Indians within the Beren's River region and their several bands: Nah-wee-kee-sick-quah-yash, Chief ; Kah-nah-wah-kee-wee-nin and Nah-kee-quan-nay-yash, Councillors, and Pee-wah-roo-wee-nin, of Poplar River, Councillor; for the Indians within the Norway House region and their several bands: David Rundle, Chief, James Cochrane, Harry Constatag and Charles Pisequinip, Councillors ; and Ta-pas-ta-num, or Donald William Sinclair Ross, Chief, James Garrioch and Proud McKay, Councillors.

AND THEREUPON, in open council, the different bands having presented their Chiefs to the said Commissioners as the Chiefs and Headmen for the purposes aforesaid of the respective Bands of Indians inhabiting the said district hereinafter described.

AND WHEREAS the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and Headmen, for the purposes aforesaid, of the respective Bands of Indians inhabiting the said district hereinafter described.

AND WHEREAS the said Commissioners have proceeded to negotiate a treaty with the said Indians, and the same has been finally agreed upon and concluded as follows, that is to say :

The Saulteaux and Swampy Cree Tribes of Indians and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and Her successors for ever, all their rights, titles and privileges whatsoever to the lands included within the following limits, that is to say :

Commencing at the north corner or junction of Treaties Nos. 1 and 3; thence easterly along the boundary of Treaty No. 3 to the "Height of Land," at the north-east corner of the said treaty limits, a point dividing the waters of the Albany and Winnipeg Rivers; thence due north along the said "Height of Land" to a point intersected by the 53° of north latitude; and thence north-westerly to "Favourable Lake" ; thence following the east shore of said lake to its northern limit ; thence north-westerly to the north end of Lake Winnipegoosis ; thence westerly to the "Height of Land" called "Robinson's Portage" ; thence north-westerly to the east end of "Cross Lake" ; thence north-westerly crossing "Foxes Lake"; thence north-westerly to the north end of "Split Lake"; thence south-westerly to "Pipestone Lake," on "Burntwood River" ; thence south-westerly to the western point of "John Scott's Lake"; thence south-westerly to the north shore of "Beaver Lake" ; thence south-westerly to the west end of "Cumberland Lake" ; thence due south to the "Saskatchewan River"; thence due south to the north-west corner of the northern limits of Treaty No. 4, including all territory within the said limits, and all islands on all lakes within the said limits, as above described ; and it being also understood that in all cases where lakes form the treaty limits, ten miles from the shore of the lake should be included in the treaty.

And also all their rights, titles and privileges whatsoever to all other lands wherever situated in the North-west Territories or in any other Province or portion of Her Majesty's dominions situated and being within the Dominion of Canada ;

The tract comprised within the lines above described, embracing an area of one hundred thousand square miles, be the same more or less ;

To have and to hold the same to Her Majesty the Queen, and Her successors forever ;

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said

# ROYAL GAZETTE.

## FREDERICTON, JULY 17, 1839.

We have been favoured with a Copy of the following address, which will be found an interesting document to our readers:—

*To His Excellency Major General Sir John Harvey, K.C.B. and K.C.H. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

The undersigned, Chiefs and Principal Officers of the Melicete, Penobscot and Passamaquoddy Tribes of Indians, in General Council assembled, and in the presence of their respective Tribes, beg leave to certify to your Excellency that for the last three years the Penobscot Tribe have made application to be united to the Melicite and Passamaquoddy Tribes, chiefly for the purpose of displacing John Neptune and John Nathaniel, the then Chiefs of the Penobscot Tribe, who had acted fraudulently towards the Tribe in disposing of their lands, and a valuable Mill Privilege, and thereby entirely destroying their Fishery.

That this application for a union of the Tribes could not be complied with until authority was received from their head Chief at Caughnawaga, to whom the matter was referred; that upon such reference authority was given to them, and at a Council lately held at Penobscot, at which were present the Chiefs of the respective Tribes, it was solemnly decided that they should be united as one Tribe, of which the Melicite should be considered as the head; and through the Chief of which Tribe all applications or representations to your Excellency should be made, and that no application or representation should be deemed authentic or worthy of consideration, not proceeding through the same channel.

The undersigned further certify to your Excellency, that at a Council lately held at the French Village, in the County of York, the aforesaid John Neptune and John Nathaniel were displaced, and Toma Sarcalexis and Nathaniel John Orser, were elected Chiefs of the Penobscot Tribe, and that any representations of the said John Neptune and John Nathaniel are not to be considered as authorised by the Tribe.

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The undersigned have heard with great dissatisfaction, that some of the Indians of the Melicite Tribe were induced last winter to sign a Petition to the House of Representatives of Maine, stating that they had been turned out of this Province by the British Government; they highly deprecate such conduct, and can assure your Excellency, that all those Indians, with the exception of one, who is a worthless vagabond, were grossly imposed upon, and were entirely ignorant of what they signed.

And they further beg leave to assure your Excellency, that your Excellency may at all times rely upon their services when required, in support of the British Government.

TOMA FRANCIS, *Governor.*

his
NATHANIEL × JOHN ORSER,
mark *Lieutenant.*

his
SABBATES × NEPTUNE,
mark. *Councillor.*

Signed in my presence, and in the presence of the respective Tribes, at the French Village, this sixth day of July, A. D. 1839.

THOMAS C. LEE.
*Commissioner for Indians.*

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## ROYAL GAZETTE

Fredericton, July 17, 1839

We have been favoured with a Copy of the following address, which will be found an interesting document to our readers:-

To His Excellemcy Major General Sir John
Harvey, K. C. B. and K. C. H., Lientenant
Governor and Commander in Chief of
the Province of New Brunswick, &c. &c. &c.

The undersigned, Chiefs and Principal Officers of the Melicete, Pemobscot and Passamaquoddy Tribes of Indians, in General Council assembled, and in the presence of their respective Tribes, beg leave to certify to your Excellency that for the last three years the Penobscot Tribe have made application to be united to the Melicite and Passamaquoddy Tribes, chiefly for the purpose of displacing John Neptune and John Nathaniel, the then Chiefs of the Penobscot Tribe, who had acted freudulently towards the Tribe in disposing of their lands, and a valuable Mill Privilege, and thereby entirely destroying their Fishery.

That this application for a union of the Tribes could not be complied with until authority was received from their head chief at Caughnawaga, to whom the matter was referred; that upon such reference authority was given to them, and at a Council lately held at Penobscot, at which were present the Chiefs of the respective Tribes, it was solemnly decided that they should be united as one Tribe, of which the Melicite should be considered as the head; and through the Chief of which Tribe all applications or representations to your Excellency should be made, and that no application or representation should be deemed authentic or worthy of consideration, not proceeding through the same channel.

The undersigned further certify to your Excellency, that at a Council lately held at the French Village, in the County of York, the aforesaid John Neptune and John Nathaniel were displaced, and Toma Sarcalexis and Nathaniel John Orser, were elected Chiefs of the Penobscot Tribe, and that any representations of the said John Neptune and John Nathaniel are not to be considered as authorised by the Tribe.

The undersigned have heard with great dissatisfaction, that some of the Indians of the Melicite Tribe were induced last winter to sign a Petition to the House of Representatives of Maine, stating that they had been turned out of this Province by the British Government; they highly deprecate such conduct, and can assure your excellency, that all those Indians, with the exception of one, who is a worthless vagabond, were grossly imposed upon, and were entirely ignorant of what they signed.

And they further beg leave assure your Excellency, that your Excellency may at all times rely upon their services when required, in support of the British Government.

TOMA FRANCIS, Governor.

his
NATHANIEL X JOHN ORSER,
mark Lieutenant.

his
SABBATES X NEPTUNE,
mark Councillor.

Signed in my presence, and in the presence of the respective Tribes, at the French Village, this sixth day of July, A. D. 1839.

Thomas C. Lee
Commissioner for Indians.

Buffalo August 5th 1839.

M. B Pierce Esq

Dear Sir;

I want to inform you, that we have received a direct information from the War Department that the council will be convene at Cattaraugus on the 12 of the present month by the Secretary of War. It is the unanimous request of all the Chiefs on the four reservations who are opposed to the Emigration policy that you should return to aid them in thier opposition.

We will now inform you that we have no funds at present to pay your expenses home; but we pledge ourselves and our fortune and honor, that will return to you all the money it will cost you both ways; And provided you have not money enough to bring you home you must borrow some from your friend and we for our part will be sure to return the money to you.

Now we wish that you will not fail to come home; for why should we loose our homes, from so small a matter? we want you to be here in order if we should be defeated; we will not say we are defeated on your account, because you were not here. We expect, that at this council we shall know what shall be done; it is necessary therefore that you should be here. We will just state to you tha Saml Gordon has repented and given up Seven contracts of different men that were left with him for

safe keeping. These papers are now in the hands of Isreal Jimesons. if you return soon; we have business for you, and as much as you can do the whole time. We tell you once more to return as soon as you get our letter.

Your sincere friend & brother

Peter Wilson Scribe

Samuel Twolgins

P.S. you will know that Twolgins told me to write his name to this letter P.W.

Received Augt 10th 1839.

After a serious consultation I determine to go on Monday for the West, to attend the Council at Cattaraugus Reservation; I am sorry that I am hindered so much of my studies, the mischief is being a Chief of the Nation I am obliedge to be present, on such an important subject to be decided —

Dartmouth College
Hanover, N.H.
August 10. 1839

Maris B. Pierce

Proceedings of an Indian Council held by an Adjournment from the Onondaga Council House Friday 20th December 1839 to the Lower Mohawk School House on the 9th January 1840

The Council was opened with the usual Ceremonies

Clear Sky Onondaga Chief, rose and said, Brother the Deputation last sent by the Six Nations to the Governor at Toronto were fully authorized to speak in the name of the Six Nations to His Excellency upon our Land affairs and other matters – The Governor answered to the deputation that the arrangements made for the protection of their Lands were nearly completed and were still going on – and also that their Money affairs would be arranged satisfactorily for them

John Johnson Lower Mohawk Chief rose and said Brother you are now sitting in Council with the Six Nations Chiefs and I am deputed by all the Tribes to answer the Government respecting Mr Kerr's business referred to the Chiefs by the Government When the deputation went down to Toronto they were instructed to speak to His Excellency respecting a Document in the possession of Mr J. Kerr laying a Claim to a large tract of their Lands which Document they stated to His Excellency had been fraudulently obtained and requested His Excellency's interference in that matter, we particularly stated to His Excellency that Mr Kerr was proceeding to England to prosecute his claim with the Home Government and we wished His Excellency to interfere and prevent the Home Government from acknowledging that claim Some of our old Chiefs who attended the Councils in ancient times have asserted to us that that document was fraudulently obtained – There are three Chiefs still living whose names appear signed to that document who declare that they never signed it and there was a fourth lately dead who declared the same likewise – Mr Kerr asserted to His Excellency that the deputation were all young Men who could know nothing of the document in question the contrary is the fact for I myself when that document was made was fifteen years of Age – There

There are both the old and young Chiefs in Council now and they all declare that they will not acknowledge to be genuine a Claim - The fact is that in the latter part of Joseph Brant's agency he acted so much against the interests of the Six Nations that in a general Council his powers as agent for the Six Nations were withdrawn - Although the agency was withdrawn from Joseph Brant by the Chiefs of the Six Nations yet they considered his former Services and granted to him and to his family both sides of the Swamp Road a farm deep - Besides this grant made to Joseph Brant, when he was dead and that his Son John succeeded to him he sold another lot of farms on the south side of that Road the whole way - The Chiefs when they found out the proceedings of John Brant remonstrated with him and requested that he would desist and restore the farms above alluded to, to the Six Nations, John Brant said he would not and that he would take advantage of what his father had provided for him - When the Chiefs found that John Brant obstinately persisted in such a line of conduct they represented the matter to Colonel Claus their Superintendent and Trustee who likewise requested John Brant to desist he answered that he would not - The Brant family have received from the Six Nations besides the farms on the Swamp Road the three sons a farm each opposite Brantford - The Land claimed by Mr Kerr was surrendered to the Crown for sale in 1804 the Deed held by Mr Kerr for that land is dated in 1807 three years probably after that Land was sold - The Document in question was never produced before the Chiefs until three or four years ago although the deed held by Mr Kerr is dated 1807 - The warriors and women of the Six Nations as well as the Chiefs refuse to acknowledge the Document held by Mr Kerr

Here the Council closed

Countersigned

J Martin I. I. Dept
William Blair I.

J W Winniett
S S. R.

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# MEMORIAL

OF

A NUMBER OF THE CHIEF WARRIORS AND CHIEFS OF THE SIX AND SENECA NATIONS OF INDIANS,

*Praying that the action of the Senate on the treaty with the Seneca Indians may be suspended, &c., &c.*

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December 31, 1839.

Referred to the Committee on Indian Affairs, and ordered to be printed.

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*To the Honorable Richard M. Johnson, Vice President of the United States, or to the acting President of the Senate:*

Sir: The undersigned, chief warriors, sachems, and chiefs of the Six and Seneca nations of Indians, being assembled in council, on the Buffalo Creek reservation, respectfully beg leave to inform you, and through you the Senate of the United States, that, expecting that the treaty attempted to be negotiated with the Seneca nation by Ransom H. Gillet, Esq., will be presented again for the ratification of the Senate, we have collected and shall soon forward to the Senate a sufficient amount of information to convince every unprejudiced mind of the injustice and invalidity of that treaty. We shall show, fully and satisfactorily, that the resolution of the Senate requiring the amendments to the said treaty to be sanctioned by the Seneca nation has never been complied with, and that fraud, bribery, perjury, and forgery, have been practised in order to obtain the treaty.

We, therefore, respectfully request that all action on the subject may be deferred till we shall have had, by a delegation soon to start for Washington, a full hearing before the Senate, after which we will cheerfully commit our cause to your justice and magnanimity.

With high considerations of respect, your obedient servants,

| | | | |
|---|---|---|---|
| Wm. James, | his x mark. | Daniel Two Guns | |
| Abram John, | his x mark. | Samuel Gordon | |
| George Dennis, | his x mark. | Seneca White | |
| John Luke, | his x mark. | Mark Charles | |
| Black Chief, | his x mark. | Henry Two Guns | |
| Geo. Blacksnake, | his x mark. | Joseph Silverheels | |
| Jenny Johnson, | his x mark. | David White | |
| George Washington, | his x mark. | Tunis Halftown | |
| Black Smith, | his x mark. | Saul Logan | |
| Blue Sky, | his x mark. | William Cass | |
| Samuel Parker, | his x mark. | Peter White | |
| Jacob Blacksnake, | his x mark. | Jesse Spring, | his x mark. |

Blair & Rives, printers.

| | | | |
|---|---|---|---|
| John Bigfire, | his x mark. | Wm. Patterson, - - | his x mark. |
| Daniel Spring, | his x mark. | John Kennedy, jr., | his x mark. |
| Morris Halftown, | his x mark. | [by his father] | |
| John Bark | his x mark. | James Shongo, | his x mark. |
| Lewis Poodry, | his x mark. | Young Chief, | his x mark. |
| Stiff Kun, | his x mark. | Joseph Snow, | his x mark. |
| Lewis Kennedy, | his x mark. | John Dickee, | his x mark. |
| John Mitten, | his x mark. | George Killbuck, | his x mark. |
| John Joshua, | his x mark. | David Snow, | his x mark. |
| Owen Blacksnake, | his x mark. | George Kempiquida, | his x mark. |
| Geo. Green Blanket, | his x mark. | James Spring, | his x mark. |
| John Hudson | | Josiah Armstrong, | his x mark. |
| Abram Johnny John, | his x mark. | Sky Carrier, | his x mark. |
| Wm. Crouse, | his x mark. | John Hemlock, | his x mark. |
| Jim Williams, | his x mark. | Isaac Halftown, | his x mark. |
| Isaac Shanks, | his x mark. | Long John, | his x mark. |
| John Sky, | his x mark. | Jacob Shongo, | his x mark. |
| John Cook, | his x mark. | Jack Johnny John, | his x mark. |
| George Lem | his x mark. | Adam Doxtater, | his x mark. |
| Robert Watt, | his x mark. | John Kennedy, | his x mark. |
| George Silverheels, | his x mark. | John Duns, | his x mark. |
| Samuel Wilson, | his x mark. | Levi Halftown, | his x mark. |
| John Tall Chief, | his x mark. | Jacob Bennet, | his x mark. |
| Oliver Silverheels, | his x mark. | Jno. Greenblanket, | his x mark. |
| Jacob Johnson, | his x mark. | Jack Doxtater, | his x mark. |
| Israel Jemison, | his x mark. | Isaac Johnny John, | his x mark. |

This is to certify that the signatures above are signatures of chiefs of the Seneca nation, and that they all signed in our presence except eleven, who signed by attorney at their council.

SETH G. HEACOCK,
Z. L. JIMESON.

BUFFALO CREEK RESERVATION, *Dec.* 16, 1839.

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26th CONGRESS,
*1st Session.*

# GENER

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Whereas, this G
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Blair & Rives, prin

Memorandum of appropriation &c

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| Permanent Fund ——— | 100.000.— |
| For Improvements ——— | 75.000.— |
| " Distribution among the Chiefs, & such persons as we find necessary to employ ——— | 75.000.— |
| Contingent fund for actual Expenses Subject to the draft of Genl Potter from time to time as occasion may require | 7.500. |
| | 257.500. |

Also 400. acres of land for Genl Potter
400. " " " " Judge Stryker
500. " " " " Orlando Allen

1300. acres — to be deeded to the above named individuals in the proportions mentioned above, Each individual for himself paying to the company that price per acre, which the Company may have to pay for the Extinguishment of the Indian title — that is to say — divide the Gross ~~Sum~~ appropriated or paid by the company for the Indian Reservations — to wit Buffalo — Allegany, Cattaraugus and Tonawanda, by the number of Acres of land Contained in the above mentioned Reservations and the Pro-rata price per acre, shall be paid to the Company by Each individual above ~~mentioned~~ Named for the land &c ~~of the~~ ~~by them~~ The land to be ~~[illegible]~~ located by the individuals thereon It shall be on the Buffalo creek Reservation, Bounded West, by the line between lots Number twenty seven & twenty Eight — of the Mile Strip on the South side of the Reservation — said line running from ~~North~~ Southerly to ~~South~~ Northerly across the Reservation, North by a Red line Marked on the diagram hereunto annexed, Southerly by the Center of Cazenovia Creek — and Extending Easterly far enough to include Thirteen Hundred Acres —

Also Four hundred acres of farming lands, on the Cattaraugus Reservation, to Doct Wilcox he paying the Company the price mentioned above therefor

Th

void —

year 1834, and annually since, there has been an appropriation of $700 for compensating him. In reporting a general system for organizing the office, I have felt it to be my duty to state these circumstances, and to say that it appears to me the appointment of this officer, at a fixed salary, should be authorized by law. The sum now received by him, viz, $700 is a moderate compensation for the services he renders. Of the other I do not suppose any particular notice is necessary, as there is now legal provision for his employment.

Respectfully submitted

T. Hartley Crawford.

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Below 352.

Hon. J. R. Poinsett.
Secretary of War

War Department
Office Ind. Affairs.
December 31st. 1839.

Sir,

The accompanying statements show the reasons for drawing $[illegible]0445.16 out of the Treasury, which was yesterday approved by you. The sums which it is thought will not be wanted immediately can go into the surplus fund, and so far as necessary re-appropriations will be obtained. It will be perceived that the pay of Agents and Sub Agents requires a part— presents to Indians under the law of 1834, transportation which has been paid out of other funds, and debts due to & by Indians with provisions, and contingencies make up the balance—

Very respectfully &c

T. H. C.

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Hon J. R. Poinsett.
Secretary of War.

War Department.
Office Ind. Affairs
January 2d. 1840.

Sir,

A very large amount of money has been invested for the use of the Indians, which, it appears to me, has not been heretofore made as useful to them as was intended by the different treaty provisions under which the investments were made. I think it my duty to lay a statement of these funds before you, exhibiting the interest received and paid out, and what is now on hand, together with such suggestions as occur to me in respect of the future disposition of so much of it as is regarded to be under the control of the Department.

The treaty with the Cherokees of December 1835, and one of the supplementary articles thereto, provides that there shall be set apart for national purposes

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| purposes | $514.000 |
| For Schools | 150 |
| " Orphans | 50 |
| | $714.000 |

Which purchased in 1836 & 1837.

| | |
|---|---|
| 5 & 6 per cent Stock to the amount of $708.761.39. | |
| School fund invested under treaty of 1819. $51.138.00 which cost | $52.490 |
| in 5 & 5½ per cent Stocks | $766.490 |

This stock amounts in the aggregate to $759.899.39. and cost $766.490.00 and there has been received on it up to 1st July 1839 interest amounting to $109.855.33.

Thus, National fund under treaty of

| | | |
|---|---|---|
| 1835 | | $74.103.10 |
| School fund | | 21.912.27 |
| Orphan | | 7.304.42 |
| School | 1819 | 6.535.54 |

Of the interest so received there has been paid as follows

| | | | |
|---|---|---|---|
| General fund under treaty of | 1835 | $36.104.41 | |
| School " " | | 10.537.14 | |
| Orphan " | | 3.512.72 | |
| Of this sum less by $1461.33 was actually expended as stated below. | | $50.154.27 | |
| Interest on investment in Stock for school purposes under treaty of 1819. | | $5.079.53 | $55.233.80 |

The three first items above stated, amounting to $50.154.27 were applied on the 11th & 18th of September 1837 & 15th March 1838 to the refunding of $60.874.81, which were advanced under the act of Congress of 2d July 1836, appropriating $75.000 according to the provision of the 18th Article of the treaty of 1835. of the sum so appropriated it appears that only $48.692.94 were used and that $12.181.87 were refunded by Genl. Wool to the Treasury— It follows that the payment out of the Cherokee fund exceeds the expenditure by $1461.33. and that this last sum should be drawn from the Treasury and placed to the credit of the Cherokee interest fund. The use of the School and Orphan fund for the purpose mentioned was a clear misapplication—for they were not only destined to special objects, but the 18th Article of the treaty appropriates two years annuities, to be advanced by the United States, and of course to be repaid by those annuities—which as far as necessary ought to be applied to make the school and orphan funds good. The interest for schools under the treaty of 1819 has been used to the extent of $5.079.53 for expenses of educating Cherokee boys at the Choctaw Academy in Kentucky.

The balances of interest according to the existing state of the accounts will stand thus—

| | |
|---|---|
| General fund under the treaty of 1835 — | $37.998.69 |
| School " | 11.375.13 |
| Orphan " | 3.791.70 |
| | 53.165.52 |
| Balance for schools under treaty of 1819 | 1.456.01 |
| | $54.621.53 |

The account should be adjusted by transposition of funds so,

| | | |
|---|---|---|
| General fund. Interest to 1st July 1839 — | | $74.103.10 |
| Deduct money advanced under act of 2d July 1836. | | 48.692.94 |
| Whole balance of General Fund | | $25.410.16 |
| School Fund of 1835 | | 21.912.27 |
| Orphan " | | 7.304.42 |
| Schools under treaty of 1819 | $6535.54 | |
| Expended | 5.079.53 } | 1.456.01 |

The School fund of 1819 arose out of a reservation made in the first article of the treaty of that year, which was sold and the proceeds invested under the 4th Article, by which it is provided that the interest was to be expended for education purposes among the Cherokee Nation "on this side of the Mississippi," under the direction of the President. A different control over this fund was however, created by the 10th Article of the treaty of 1835, which stipulates for $50.000 as an orphan fund, and that $150.000 in addition to the present School fund of the nation shall constitute a permanent school fund, and the 11th Article declares that "the present school fund, amounting to about fifty thousand dollars, shall constitute a part of the permanent school fund of the nation" and the 10th 11th and 4th Supplemental articles set apart $514.000 as a national fund. These various sums by the 10th Article, of which the others as a portion, the United States undertook to "invest" in some safe and most productive Stocks of the Country," and to pay over "the nett income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee Nation to receive the same," and the expenditure of the said interest is placed in the hands of the National Council, the President of the United States having the power to call for a report of the application of the Orphan & School funds, and if abuses are discovered, to direct their future application to the purposes intended. The balance of the interest on hand it seems to me, therefore, should be paid according to the treaty so soon as the existing difficulties among the Cherokees are settled, and their differences so far composed as to justify such payment, and the interest receivable hereafter paid to them annually, _ unless the late movements, and particularly the decree of the Ross Convention denouncing the treaty of 1835, and asserting a claim independent of it for the lands, improvements &c East ceded by that treaty should forbid it. //

## Investment for incompetent Chickasaws & Orphans.

By the 4th article of the treaty of 24th May 1834, in connexion with the 11th Article of the treaty of 20th October 1832 provision is made for the Stock investment of such moneys as might arise from the sales of reservations of land which belonged to Chickasaws incapable of managing their own concerns _ so to remain "as part of the general Chickasaw fund in the hands of the Government" until the Chiefs in Council shall think it advisable to pay it to the claimant or his rightful representative, and so recommend it.

Under this arrangement moneys were invested in 5 & 6 per cent State Stocks in 1836 & 1837 to the amount of $369.230.44. which cost $384.875.12

Upon which up to 1st July 1839 $51.903.00 have been received, and there have been remitd for the Indians $ 28.946.23
on hand $22.956.77.

By the 5th Article of the Treaty of 24 May 1834, the lands assigned under the treaty to Orphans may be sold, and the proceeds thereof, if the President deem it advisable, invested until such persons marry or "come of age", when if the

Chickasaw delegation named in the 4th Article, with the Agent, shall certify that in their opinion it will be for their interest and advantage, the amount shall be paid over to those entitled to receive it.

The above article does not expressly so say, but the true construction of it is, I think, that the the interest accruing on the original investment shall be reinvested until the individuals, to whom it belongs, shall call for it under the provisions of the treaty.

Under this article there have been laid out, in the years 1837–1838 & 1839, in the purchase of 5 per cent Stocks, which were bought at par ———— $146.000.00

On which the sum of $11.487.19 has been received up to the 1st July 1839. Of this sum no part has been drawn. It should be reinvested, and steps taken to ascertain who under the treaty are entitled to receive their several proportions of the fund – and, on compliance with the prescribed conditions, to pay them.

The 11th Article of the treaty of 20 October 1832 provides that three fourths of the avails of the sales of their lands (the consideration of the Cession) should be invested in Stocks, as "a perpetual fund for the use of the Nation forever". Of this general fund that belonging to the incompetent Chickasaws it will be recollected was to form a part, until it should be paid over. The 2d clause of the 11th Article of the treaty of 24th May 1834, stipulates that the Chickasaws shall be advised within six months after any public sale, of the receipts & expenditures and of balances in their favor — and so at regular intervals of six months, of the proceeds of all entries & sales. The nett funds thence resulting to be invested, and the interest to be paid to the Chickasaws annually. It will thus be seen that the national & incompetent funds were incorporated, of which the Indians are entitled to have the interest yearly, and that a special direction is given to the Orphan fund.

It appears by letter of my predecessor of 22d December 1836, that he, in conformity with the opinion of the Secretary of War, in which the Secretary of the Treasury was understood to concur, requested the transfer of all bonds purchased by the latter Officer, "as agent of this Department, under the provisions of treaties with Indian Tribes," "except the proceeds of the lands of the Chickasaws, constituting a national fund, which by the resolution of the Senate of the 20 January 1836, are to remain in your Department."

On the 27th December 1836 there were accordingly transferred to this office, bonds for the Cherokees. Amounting to ——— $708.761.39

For the Senecas & Shawnees ——— $29.341.50

For incompetent Chickasaws ——— $316.230.44

A subsequent investment has increased the last sum to $369.230.44

The resolution referred to in Mr. Harris's communication declares. "That the Senate so advise the President, and hereby consent, that he have the moneys arising from the sales of the Chickasaw lands, and which are, or may be, due to said nation of Indians invested in Stock in the manner, and at the periods proposed by the Secretary, in his communication to the President, dated December 23. 1835, and by him transmitted with his message to the Senate under same date"

The proposition recommended that the evidences of investment be deposited with the Treasurer for safe keeping &c and having received the foregoing sanction of the Senate placed the control of the fund with the Secretary of the Treasury.

The National Chickasaw fund, not being under the control of this Department, will doubtless be judiciously managed at the Treasury — but the balance of interest belonging to incompetents should be paid them — and an investment made of the Orphan interest on hand — and the steps before mentioned taken to ascertain who, if any, can receive their proportions of principal and interest, the latter to be paid presently, the principal when a sale of the necessary proportion of the Stocks can be effected.

## Beneficial Objects for Chippewas, Ottowas & Potowatomies.

By the 3 Article of the Treaty of 26th September 1833. the United States contracted to apply $150.000" to the erection of mills, Farm houses, Indian houses, & Blacksmith Shops, to agricultural improvements, to the purchase of agricultural implements and Stock and for the support of such physicians, millers, farmers, blacksmiths and other mechanics, as the President of the United States shall think proper to appoint." The above sum was applied on the 1st January 1837. to the purchase of $130.851.43 of Maryland Six per cent Stock which has yielded up to 1st July last of interest $19.627.53. and cost $150.000.

There is no direct authority in the treaty for investing the above money, but it appears that a letter was on the 14th December 1836, addressed by my predecessor to the Secretary of War, ad interim, proposing to invest the said sum in some safe and productive Stock. This letter was subsequently withdrawn, and for it appears to have been substituted, on 11th January 1837, a general authority from the Secretary to the then Commissioner of Indian Affairs to direct investments &c, under which, it is believed the above investment was made. The sum was very large for the purposes pointed out in the treaty, and the investment was judicious, in my opinion, as furnishing a permanent fund, the annual yield of which will be probably equal to all the Indian wants. The interest however ought to be reinvested until its expenditure is deemed advisable, so as to enlarge the fund.

By the same article of the above treaty the Government agreed to invest $70.000" 00 for purposes of education and the encouragement of the domestic arts, to be applied in such manner as the President of the United States may direct." There was applied on the 1st July 1836 to the purchase of Indiana 5 per cent Stock, under the above provision $72.264.09, which brought Stock to the amount of $68.000, on which there have been received ———— $11.198.78.
for interest up to 1 July last & of these receipts there
have been expended for education ———— $5.317.82
leaving on hand ———— $5.880.96.

This investment was made according to the wish of the Indians, as expressed in the treaty "to create a perpetual fund for the purposes of education, and the encouragement of the domestic arts" the "interest of which only is to be applied as may be necessary for the above purposes." If at any time hereafter the United band shall so improve as to be, in the opinion of the President and Senate, capable of managing so large a fund with safety, they may withdraw the whole or any part of it.

No immediate action seems to be required in regard of this interest, which it seems must be applied to education &

the introduction of the domestic arts, and to them alone. All proper means will be taken to give its use the best effect but the excess of expenditure over the $10.000, should be returned to the Treasury out of the interest.

## Senecas West.

The 1st article of the treaty of 28th February 1831, cedes the lands formerly held by this tribe in Ohio, and the 8th article gives them the net proceeds of the sales of their lands, and stipulates that, after certain deductions, the United States shall pay "to the Chiefs of the nation, for the use and general benefit of the nation, annually 5 per cent on said balance as an annuity."

The sum of $4.900 appears to have been expended on 1st April & 16th November 1837, in the purchase of $5.000 Kentucky 5 per cent Stock, on which there has been received of interest up to 1st July last $622.44, of which there have been paid $469.64, leaving only $152.80, of which $125 were due on 1st July & since paid. The balance on hand, together with the amount receivable 1st January next will be remitted next year. This fund it is provided in the last article, may be broken up and given to the tribe, on their request, provided the President shall think it proper to do so.

## Senecas & Shawnese.

This mixed band ceded to the United States, on 20th July 1831, their lands in Ohio, of which it was agreed, in the 8th Article of the treaty, they should receive the net proceeds, on the balance of which deducting certain authorized expenditures the United States contracted to pay them an interest of 5 per cent as an annuity, so long as it might be the pleasure of Congress to continue the fund.

If the whole tribe through their chiefs, however, desire it to be dissolved, and paid over to them, it may be done, if the President shall think the interest and prosperity of the tribes will be thereby promoted. To meet this engagement the sum of $6.000 was taken in Kentucky 5 per cent Stock, on 1st April 1837, which cost $5.880, & $7.000 in Missouri 5½ per cent Stock, on 1st January 1838 which cost $7.121.87.

On these Stocks there have been received up to 1st July last for interest $1819.28. they have been paid $1300.18, leaving on hand $519.10 of which $342.50 were received on 1st July. The balance together with the sum due 1 January next will be paid next year.

## Shawnese.

These Indians by the treaty of 8th August 1831, granted to the United States all their land in Ohio, consisting of one hundred and forty five sections or square miles, the net proceeds of which, making certain deductions therefrom which are particularized in the 7th Article of the Treaty, it was stipulated should constitute a fund for said tribe, on which the United States contracted to pay the Chiefs for the benefit of their people annually, five per centum, as an annuity so long as Congress chose, unless the Chiefs of said band, by and with the consent of the people in general Council assembled, should desire the said fund to be dissolved and paid over to them, "in which case the President may cause the same to be done, if, in his discretion he shall believe the happiness and prosperity of said tribe would be promoted thereby". In consequence of this engagement there were invested in Maryland six per cent Stock, in October 1836 $29.341.50 which cost $33.912.40, and on 1st April 1837, in Kentucky five per cent Stock $1000, which cost $980. making an aggregate of expenditure of $34.892.40, and of Stocks of $30.341.50. There has been received of interest $3.390.61 up to 1st July last, of which $1744.62 have been paid, leaving due to the Indians $2.551.25. This money should be remitted and paid them as an annuity, as should the interest as it falls due hereafter.

In the three treaties last recited it will be observed we undertook to pay 5 per cent; and that by the investments made the Indians will receive a trifle more in each case.

## Menomonies

By an amendment of the Senate to the treaty of 3d September 1836. "the United States stipulate and agree that the sum of twenty six thousand dollars shall be allowed to the said Indians, and this sum shall be invested in some safe stock, and the interest thereof, as it accrues, shall also be so vested until such time as in the judgment of the President, the income of the aggregate sum can be usefully applied to the execution of the provisions in the said fourth article or to some other purposes beneficial to the said Indians."

Under this provision $77.000 of Kentucky 5 per cent Stock were purchased on 1st April 1837 at the cost of $75.460.00. On this investment interest has been paid up to 1st July last, amounting to $8.662 50, which should be re-invested, There remains $540. of the original $76.000 to invest which should also be attended to.

## Creek Orphans.

1. 184

The 2d Article of the treaty of 24th March 1832, contains this clause, "And twenty sections shall be selected, under the direction of the President for the Orphan Children of the Creeks, and divided and retained or sold for their benefit as the President may direct." The lands were sold, & with leases of them before sale yielded $108.713.82, and Stocks have been purchased viz- on 1st November 1836 Alabama fives at par $82.000, and on the 1st January 1838 Missouri fives and one half $28.000, which cost $28.487.48 - making the aggregate of Stock $110.000.00, and the price of it $110.487.48 - On these investments there have been received up to 1st July last 13.243 34 for interest, of which $1773 66 have been re-invested, leaving a balance on hand of $ 11.469.68 - The excess of expenditure over the proceeds of the sales and leases, viz. $1773.66, being the interest re-invested as above. Measures should be taken to ascertain who are entitled to the balance of the interest, with a view to its distribution, as soon as the proper information can be obtained. It will be perceived that the treaty makes no specific provision for the use of the fund, other than the discretion of the President, which it seems to me would be wisely exercised in keeping the capital entire, and appropriating the interest annually to the wants of the orphans of the Creek Nation whose circumstances may require its aid. It may be thought, and perhaps it was so intended, that the orphans at the date of the treaty were those contemplated - but it is impossible to ascertain them now - many are dead, many have grown up, and unless the treaty was so clear as to command obedience in a direction different from that proposed, I think to make a permanent fund of it will be a measure of great advantage to the needy orphans.

## Kanzas Schools.

Thirty six sections of land were appropriated to raise a fund, for the support of schools for the education of the Kanzas Children within their Nation, by the 5th Article of the treaty of 3d June 1825. part of the land was sold, and $18.000.00 invested on 23d October 1837, in five and one ½ per cent Missouri State Stocks at par. On this capital interest to the amount of $1.568.51 has been received. Of this sum no part has been expended. Measures should be taken to apply this money as intended.

## Chippewas & Ottawas.

The 5th Article of the treaty of 25th March 1836 appropriated $300.000 to the payment of the Ottawa & Chippewa debts, and provided that if that amount should exceed them "the balance shall be paid over to the Indians, in the same manner that annuities are required by law to be paid." When this treaty was ratified, on 27th May 1836, the Senate amended the above article so as to read, "the sum of three hundred thousand dollars shall be paid to the said Indians to enable them, with the aid & assistance of their Agent, to adjust and pay such debts as they may justly owe, and the overplus if any to apply to such other use as they may think proper". Upon examination I do not find any request made by these Indians for the application of the balance that remained of their debt fund, but the same has been invested as follows–

On the 1st April 1837 in Kentucky five per cent Stock — $77.000.00
Which cost — $75.460.00–

The 4th article of the treaty gives them an annuity of $30.000 for 20 years, of which it was agreed $1.000 should be "invested in Stock by the Treasury Department, and to remain incapable of being sold, without the consent of the President and Senate which may, however be given after twenty one years"– Under this clause there were invested in Michigan 6 per cent Stocks on 1st July 1838 — $1.000
and on 1st January 1839 — 2.000. $3.000.00
$80.000.00

On which there has been received up to 1st July last for interest — $9.782.50.

It will thus be seen that there was no direct authority for the investment in Kentucky Stock, but yet I cannot but regard the course adopted as the most judicious and beneficial for the Indians, who should be paid the interest punctually and annually, which has not been done heretofore. The $3.000 investment, appears to have been meant for a steadily accumulating fund, so as to preserve and make for the Indians at the end of 21 years the means of promoting their comfort and civilization. The interest should be reinvested as early after its receipt as practicable.

c Appropriations by Congress to pay interest to the following tribes, in lieu of investing in State Stocks the sums provided by treaties.

## Ottawas & Chippewas.

These Indians by the treaty of 28th March 1836, 2d & 3d Articles, reserved certain bodies of land. When the Senate, on 27th May following, had this compact under consideration, that body amended it so as to confine the reservations to 5 years from the ratification, "and no longer, unless the United States grant them permission to remain on said lands for a longer period," and in consideration thereof, gave them $200.000," to be paid whenever their reservations shall be surrendered, and until that time the interest on said two hundred thousand dollars shall be annually paid to the said Indians." An interest of six per cent has been regularly paid them, the period not yet having expired for which they are entitled to hold their reservations.

## Osages.

By the 6th Article of the treaty of 2d June 1825, fifty four tracts of land, of a mile square each, it was stipulated should be laid off and sold, to raise a fund to be applied to the support of Schools, for the education of the Osage children, in such manner as the President may deem most advisable to the attainment of that end. These sections, making an aggregate of 34.560 acres of land, were purchased by resolution of the Senate of the United States of 19th January 1838, at $2 per acre, amounting for the whole to $69.120, of which the annual interest is $3.456 which has been appropriated for the respective years 1838 & 1839. No part of this interest has been remitted, nor, owing to the unsettled & roving condition of the Osages, could it be advantageously. As soon as they become settled and fixed under the late treaty, this sum should be used judiciously for the object intended.

## Delawares.

The treaty of 24th September 1829 provides that 36 sections of the best land in the cession shall be sold to raise a fund, to be applied to the support of Schools for the education of Delaware children. The land was purchased by the United States, on the 2d May 1838, under a resolution of the Senate of the 19. January preceding, at two dollars per Acre, or $46.080, the interest of which at 5 per cent has been appropriated for the years 1838 & 1839, being for each year $2304. This money has not been used, but early measures should be taken to expend the interest as intended, or to re-invest it if it cannot be advantageously employed otherwise.

## Sioux of Mississippi

The first clause of the 2d Article of the treaty of 29th September 1837, provides for the investment of $300.000, in safe Stocks, and for the payment of an interest thereon, not less than 5 per cent, "to the Chiefs and braves as aforesaid," that is having an interest in the cession, annually forever; a portion of said interest, not exceeding one third, to be applied in such manner as the President may direct, and the residue to be paid in specie, or in such other manner, and for such objects, as the proper authorities of the tribe may designate.

Appropriations in lieu of interest have been made for 1838 & 1839 of the former of $10.000 have been sent as due in June 1839, the treaty having been ratified on 15th June 1838, retaining $5000 for such beneficial purpose as will be most useful to them under the treaty. The latter is undrawn because not due. It will be necessary to decide upon the proper application of the $5.000 annually reserved.

# Sacs & Foxes of Missouri.

By the treaty of 21st October 1837, ratified on 21st February 1838, it is stipulated that the United States shall invest $157.400, and guaranty to the Indians an interest thereon not less than 5 per cent, and of this income apply $1000 per annum to the support of a blacksmith's establishment, $1600 for the support of a farm, the supply of agricultural implements and assistance, and other beneficial objects, $470 for the support of a teacher & the incidental expenses of a school, and that the residue of the interest $4.800 shall be delivered at the cost of the United States to said Sac & Fox Indians, in money or merchandize at the discretion of the President, and at such time and place as he may direct. The sum due on 21 February 1839 has been applied according to the provisions of the treaty.

# Sacs & Foxes of Mississippi.

The 9th Clause of the 2d Article of the treaty of 21st October 1837, (ratified 21st February 1838) binds the United States to invest the sum of $200.000 in safe State Stocks, and to guaranty to the Indians not less than 5 per cent thereon. which shall be paid them as annuities are paid, at such time and place, & in money or goods, as the tribe may direct. Provided that it may be competent for the President to direct that a portion of the same may, with the consent of the Indians, be applied to education, or other purposes calculated to improve them.

Under this provision $5.000 were sent, and as this band have other large means, $5.000 retained with instruction to the Agent to consult the Indians and request their assent to the expenditure of the money held back for education and farming purposes.

# Winnebagoes.

It is stipulated in the 9th clause of the 4th article of the treaty of 1 November 1837 (ratified on 15th June 1838) that the United States shall invest $1100.000, guaranty to the Indians an interest thereon not less than 5 per cent, of which it was agreed $2800 shall be applied to education, $500 for the support of an interpreter, $600 to pay a miller, $500 for the supply of agricultural implements and assistance, and for medical services and medicines $600, for twenty two years, and longer at the discretion of the President, and if at the expiration of said period, or at any time thereafter, he shall deem it expedient to discontinue any or all of said allowances "the amount so discontinued shall be paid to the Winnebago Nation.

The residue of the interest, amounting to fifty thousand dollars ($50.000) shall be paid to said nation in the following manner; ten thousand dollars ($10.000) in provisions, twenty thousand dollars ($20.000) in goods and twenty thousand dollars in money, ($20.000)." — The $50.000 due has been remitted according to the treaty and of the $5.000 specially appropriated; $1400 has been transmitted for education, $125 for an interpreter $500 for agricultural implements, and $150 for a Physician and medicines being as much as it was thought was required, or could be judiciously expended.

## Creeks.

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A late treaty (23d November 1838, ratified 2d March 1839) provided for the investment of $350.000, at an interest (to be secured them of 5 per cent; to be paid for the first year in money, and afterwards "in money, stock animals, blankets, domestics, or such articles of a similar nature as the President of the United States may direct." The interest for one year has been remitted and paid them in money.

It was perhaps not strictly speaking due, but as an annuity had been advanced to them by order of Genl. Jesup to facilitate their removal from Alabama in 1836 which had not been accounted for it was found necessary when the last remittances were made to retain the amount of this advance, and I deemed it judicious to prevent dissatisfaction to send the interest on above investment, which had been appropriated.

## Ioways.

By the treaty of 19th October 1838, (ratified on 2d March last, it was agreed to invest $157.500, and to guaranty to the Indians an interest of 5 per cent, thereon, of which such sum was set apart annually as the Chiefs and head men may require, for the support of a blacksmith's shop agricultural assistance, and education, to pay a small annuity to an interpreter, and the balance of the interest to be paid, in October of each year, in money or merchandize at their own discretion. - Interest for this year has been remitted.

The foregoing is a history of Indian investments and of appropriations by Congress in lieu of interest. The latter are plain and simple, but the former have not I think, and for myself I know, been perfectly understood heretofore. My object in the full investigation which I have now given the subject was two fold, to make myself familiar with it, and to place before you such an account of this important branch of the service as would serve for present and future use. The duty of paying what is due for interest received (except in the case of the Cherokees) requires no comment - it must be done and should have been done sooner - So far as concerns those incompetent to act for themselves and Orphans, measures will be immediately taken through the respective Agents to ascertain who are entitled, and to whom payments ought to be made, so as to secure the benefit of their several interests to them. In respect of the funds due for education I propose to submit you a separate report, not as to the duty of applying them as far as it can be done, to their proper use, but as to the mode of expending them so as to extend the benefits of education where it is so much needed - and of the means on hand for the general amelioration of the condition of the Indians by the introduction of the mechanic arts the erection of Mills &c, the most judicious application of them should be made at the earliest propitious moment - Of the moneys received and unexpended $79.247.87 were turned over to the Treasury, to be drawn out as they may be wanted, and the balance is in the hands of the disbursing Agent of this office.

I have the honor to be
Very respectfully
your Obt Servant.

J. Hartley Crawford.

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Hon
J. R. Poinsett.
Secretary of War

War Department
Office Indian Affairs
January 3rd 1840

Sir

I have the honor to report on the letter of J. A. Wells Cashr. of the 15th Ulto addressed to you & referred to this office, that under date of 11th December, a letter was addressed to D. G. Jones Esqr informing him that no objection would be made if the Bank of Michigan would undertake, for its accommodation, to pay the claimants under the treaty with the Chippewas of Saganaw, the sum awarded by the Commissioner — and on the same day a list of all the claims passed upon and finally allowed by the Department, as well for debts as for depredations, were sent to Mr. Schoolcraft with directions to make his drafts in favor of the claimants payable at the Bank of Michigan in Detroit according to the wishes of Mr. Jones.

On the 20th Ulto, it was discovered that the balance of funds advanced for the benefit of the Indians had been reduced by Drafts upon it. and Mr Schoolcraft notified thereof & directed that instead of paying the claims in full, to reduce each one 1/5 to bring the payments within the means, leaving such deductions to be paid hereafter, when the avails of the lands to be sold would enable the Department to do so.

The claimants have no doubt, been notified by Mr. Schoolcraft of the arrangements entered into, and the provision made for payment of 4/5's of each claim, at the Bank of Michigan.

Very respectfully &c

J. H. C.

Washington City 18th January 1846.

Genl. C. H. B. Potter.

Dear Sir,

I had an interview with the Hon Secretary ~~at~~ Now this Morning, he informed me that the President will not act upon the Treaty, but will refer the same again to the Senate for their action— Although he, the Secretary was in favor that he (President) should act upon it— The Message of the President to the Senate, Mr Secretary informed me will be favorable to the Emigration Party— And the Secretary said, that he would ~~do~~ every thing to aid me, and that I must use my efforts with Senators to secure its ratification &c.

I asked him when the Message he would be sent to the Senate, he replied that if he has not already sent, he would send it in a few days— that he, the Secretary, knows, ~~that~~ the Presidents wanting to send the Message &c—

The Secretary still thinks it ought to be ratified, but the President objects to the manner in which he should therefore opposed, as that was the reason he opposed. The Vice President saw the New York Senators on that same day, he was perfectly astonished to find, how much anxiety he felt for the ratification of the Treaty. Now you have the Whole Story - To day was the day, to have been acted upon, but by previous arrangements among several of us, we thought ~~he~~ it had better be postponed untill Monday, as some of our friends ~~were~~ are absent. So it was accordingly done - Mr. Wright told me, that he thought ~~that~~ Mr. Sevier would not seriously oppose - but Mr. Strange of N. C. told Genl. Mason that he was preparing ~~a~~ for a famous speech against it - _Some or other_. I _feel_ very _Confident_ of _our Success_, although you see from this letter, all the difficulties in the way - I have got an appointment with Mr. Wright on Monday Eve - He says he wants to talk with me for _3 hours_ & ask me questions, in regard to the situations of our Indians &c.

I have rec.d your letter. I am much obliged to you. Mr O. I understand has arrived in the City.

Yr friend.

M. T. Strong.

HINGTON
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D.C.

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Hon.
Genl. Heman B. Potter.
Buffalo.
N.Y.

Single.

Done at Serpent River Indian Reserve, this thirtieth day of January, in the year of Our Lord one thousand eight hundred and eighty-two.

Signed, sealed and delivered in presence of
Jas. C. Phipps,
*Visiting Supt., Indian Dept.*
Sydney Gibbon,
*Royal Navy.*
Alex. Peleky,
*Interpreter.*

Oshonskukezhik, his x mark. [L.S.]
Tahbishokezhik, his x mark. [L.S.]
Mocolai Nuneueduce, his x mark. [L.S.]
Wamditagoenim, his x mark. [L.S.]
Omishekegalibon, his x mark. [L.S.]
Oahtepushi, his x mark. [L.S.]
Kezaligewon, his x mark. [L.S.]
Mitchignob, his x mark. [L.S.]
Naimewon, his x mark. [L.S.]
Baibomache, his x mark *per Chief,* [L.S.]
Buleleewosh, his x mark. [L.S.]

District of Algoma,
To Wit:

I, James C. Phipps, of Manitowaning, in the said district, Visiting Superintendent of Indians, duly authorized by the Superintendent-General of Indian Affairs to attend the council of the Band of Indians referred to in the annexed surrender of right of way for the Canadian Pacific Railway through the said reserve, do hereby certify under oath that the annexed surrender was duly assented to by a majority of the male members of the said Band of the full age of twenty-one years, who habitually reside at or near the said reserve, at a meeting or council of the said Band summoned according to their rules for that purpose, and held at Serpent River, in the said district, on the thirteenth day of January, A.D. 1882, and at the same time duly executed by the Chiefs and Principal Men of the said Band.

Certified and sworn to before me at Manitowaning, in the District of Algoma, this fifteenth day of May, A.D. 1882.
Walter McCrea,
*Judge, D.A.*

JAS. C. PHIPPS.

District of Algoma,
To Wit:

I, Tahbishkokezhik, of the Serpent River Indian Reserve, in the District of Algoma, one of the Chiefs of the Band of Indians occupying the said Indian reserve, do hereby certify under oath that I was personally present and did see the annexed surrender of right of way through the said reserve for the Canada Pacific Railway Company duly assented to by a majority of the male members of the said Band of the full age of twenty-one years who habitually reside on the said reserve, at a meeting or council of the said Band, summoned for that purpose according to the rules of the said Band, and held at Serpent River, in the said district, on the thirtieth day of January, A.D. 1882.

Certified and sworn to before me
at Algoma Mills, in the District
of Algoma, this twenty-third day
of May, A.D. 1882.
E. B. BORRON,
*Stipendiary Magistrate.*

TAHBISHKOKEZHIK, his x mark.

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## No. 193.

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned Sachems, Principal Chiefs and Warriors of the Six Nation Indians, residing at the Grand River, in the Province of Upper Canada, being desirous of enabling the issue of free letters patent of the tract of land and premises hereinafter described unto Aaron Helmer, of the County of Haldimand, District of Niagara, and the said premises not having been included in any former surrender to the Crown, do by these presents surrender and yield up unto Her Most Gracious Majesty Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, all that parcel or tract of land now in the possession of the said Aaron Helmer, of the County of Haldimand, District and Province aforesaid, one of our people, situate, lying and being in the County of Haldimand, District of Niagara, containing by admeasurement one hundred acres of land, more or less, and being part of the territories of the Six Nation Indians, and which said parcel or tract of land is butted and bounded as follows, that is to say: Commencing at a stake planted on the east boundary line of a piece of land belonging to the Grand River Navigation Company at lock number one, and on the south side of the road leading from the Village of Indiana to Canboro'; thence north eighty degrees, east forty chains and forty links to a stake; thence south thirteen degrees, west twenty-five chains to a stake; thence south eighty degrees, west forty chains and forty links to a stake; thence north thirteen degrees, east twenty-five chains to the place of beginning. To the end, intent and purpose that Her Majesty may be graciously pleased and enabled to grant letters patent unto the said Aaron Helmer, his heirs and assigns, free and clear of the payment of any price or sum of money which His Excellency the Lieutenant-Governor might otherwise think just and reasonable. The said one hundred acres of land being thus freely granted unto the said Aaron Helmer, his heirs and assigns, for and in consideration of the said Aaron Helmer's attendance on the Six Nation Indians when afflicted with the small-pox, in the years 1837 and 1838.

IN WITNESS WHEREOF, we have subscribed and set our hands and seals in council the 21st day of Feb'y., in the year of Our Lord one thousand eight hundred and forty.

Signed, sealed and delivered in the presence of
A. BUNNELL,
SAML. R. REYNETT.

MOSES WALKER, his x mark. [L.S.]
WILLIAM DOXTADER, [L.S.]
JOHN S. JOHNSON, [L.S.]
JOSEPH FRASER, his x mark. [L.S.]
SKANAWATY, his x mark. [L.S.]
ONAKARONDONH, his x mark. [L.S.]
AGHRIRHON, his x mark. [L.S.]

Kanorisabon, his x mark. [L.S.]
Deyonhoisen, his x mark. [L.S.]
Ayatajiwak, his x mark. [L.S.]
Kakondenaye, his x mark. [L.S.]
Ashare-kowah, his x mark. [L.S.]
Kanyakarodon, his x mark. [L.S.]
Kanedakeh, his x mark. [L.S.]
Kanayeh, his x mark. [L.S.]
Kanonkeridawy, his x mark. [L.S.]
Oketskwenh, his x mark. [L.S.]
Isaac Burning, his x mark. [L.S.]
Kanyenkodon, his x mark. [L.S.]
Deyothoreghkwenh, his x mark. [L.S.]
Shoerese, his mark. [L.S.]
Silver Smith, his x mark. [L.S.]
Highflier, his x mark. [L.S.]
John Skyler, his x mark. [L.S.]
John Whitecoat, his x mark. [L.S.]
John Obe, his x mark. [L.S.]
William Green, his x mark. [L.S.]

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## No. 34.

Know all Men by these Presents, that we, the undersigned principal Sachems, Chiefs and Warriors of the Six Nations Indians, residing at the Grand River, being desirous of confirming our former grant of the south half of lot number fifty-one, in the second concession of Brantford, to Rachel Parker, the wife of James Parker, Washington 24th July. 1840.

Genl. H. B. Potter.

Dear Sir.

Your favor of the 16th inst. was duly received last evening. I have not written as often as I have wished, because I was waiting to have some definite move, or result, relative to the Treaty. I will however state to you, that the whole matter is still before the Committee. The truth is, the Secretary at War is decidedly in favor of its ratification, and the President is opposed to it, if anything, or else, he never would have ~~never~~ referred again to the Senate.

Therefore, we are now trying to have the Committee ~~to~~ call, or refer the Documents to the Secretary at War, for the purpose of making his (the Secretary's) reports upon the Documents to the Committee, which is supposed will settle the whole matter. Two of the Senators are decidedly in favor of this plan, that is Linn & Lumpkin. The others, we have not as yet seen. I am going to see Mr. Tallmadge to have him operate on White & Prentiss & Genl. Mason will see Mr. Sevier for the purpose of inducing them to adopt the plan proposed and I am told, that the Secretary ~~to~~ desires to have this course taken.

Mr. Wright told me, the evening before last, that he should use his best endeavours to have the Treaty matter brought up, and disposed of, the next week, that is to say, he meant the next week — And he further said, that he shall disregard all the statements of the White men opposed to the Treaty, for he knows, they are set of "d— d scoundrels" — he said this, in the presence of several Gentlemen, one of whom is a member of the H. of R. from our State. — As yet there is nothing in the way, except that which was mentioned by me before, that is, the Treaty is too good for the Indians, on all things considered. But I think this objection is not very serious, Mr Wright is prepared to argue ~~ag~~= on the points ~~against it~~ — We ~~have~~ were not able to induce the Committee to remove the secrecy, on the ground that the Committee would be over run by the Quakers, & it appears, that the Quakers made an application to be heard in person, before the Committee, & they were refused. Perhaps on the whole it is best, that it should remain as it is.

I hope our friends will keep good cheer, for I see nothing, that would appear dis couraging in the fin

success of the Treaty. I met Judge Wilkinson this morn

and had some conversation with him on the subject, &

we have an appointment to morrow at 9 o'clock.

I am inclined to think, he will go for us — He said he

had received a letter from Mr. Spaulding &c — I also

met Mr. Ely Moore, just arrived, & has promised me, [illegible]

[illegible] to aid me, in every thing relative to the In

& he renewed his promise to day — He is a gue[st]

~~with~~ at the Vice Presidents, & Gov. Lumpkin is

also &c — I regret ~~[illegible]~~ exceedingly that Mr. [illegible]

did not come to Washington, for he would have

been an infinite use to the Treaty, at this period

of proceedings — Genl. Mason is doing all he can,

but it is impossible for two of us, to do ~~all~~ the whole —

we have so many different characters to deal with

I will inform you as soon, as the result is known

You will pardon me for closing this letter,

I have an Engagement with Mr. Tallmadge; & am con

stantly on the go —

Yours faithfull

R. T. [illegible]

from home – I hope to hear from you on
this subject on the receipt of this. I shall
be sorry to see that my friends, should not pro
so in time of actual need. N. T. Strong

WASHINGTON FEB 3 D.C.

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Genl. A. B. Potter
Buffalo
N.Y.

Lisle

& 25th Feby to Mr Ogden.

P.S.

Do ask Genl. Some thing should immediately be
for my relief. I am penniless, it is extremely
hard case to be thus situated when a wo

Washington City March. 14th 1840.

General H. B. Potter.

Dear Sir.

I will state to you how Treaty stands, as I understand the matter, a sort of a report has been made to the Senate by the Committee on Indian Affairs against the ratification — that is to say, there are 3 against, 2 in favor, Sevier, having gone over to the enemy, the two Whig members of the Committee, but the understanding was, that the Treaty should be decided by the Senate — Gov. Lumpkin will take lead of the debate on Monday in the Executive Session, in favor of the ratification — Mr. Tallmadge has ~~the~~ offered a resolution, something to the effect, that the resolution of the Senate of June &c — ratifying the Treaty, and with the amendments, has been complied with, according to the meaning and intent of the Senate &c therefore, that the President be authorized to carry the same into effect

Mr. Tallmadge contends that in as much the Senate had once ratified the Treaty, therefore they cannot un-ratify - and can ~~only~~ affect a complete ratification by a Resolution, besides this makes only a Majority question, at least that is the intention - Vice Pres: will decide it a majority question and if they take an appeal, that is only a majority question so they cannot get rid of it, that Resolution of course is pending; - Mr. Sevier, I understand is mad and is determined to break it down if he can. he is preparing a Speech against it, so I was told to day - Well, Mr. Tallmadge & Mr. Wright will both give their Zealous & faithfull Support. Mr. Wright told me last evening, he should make a long speech, & further told me, that he has now more hopes of our success than ever before - to use his words. "I have now a strong hopes that we shall be able to carry through the Treaty" - But still added. "I dont know". Gov. Lumpkin told a friend of mine from the South, today, that he thought the Seneca Treaty would be ratified - We have worked very hard indeed; - I understand, that Messrs Clay & Crittenden of K.Y. will go for the Treaty - The Vice President has worked very hard for us - The Conduct of the Chairman of the Committee on Indian affairs; I think very unfair one - He told the Vice President the other day, that because the New York Senators were opposed to the Treaty

Senate
had passed the Treaty. If he were to act upon it it would ~~it would~~ set a precedence which, perhaps would involved the Government much trouble hereafter. &c &c —

Under these State of things, I think it, it is the utmost importance, that O. Allen should be here or Judge Stephens — Heacock will be here, if he is not already, and the Quakers. — I have not seen Genl. Mason as yet, I do not know where he is, I have made many inquiries, but all in vain —

The Secretary thinks the Quakers should not be countenanced, in holding Councils with the Indians — In regard to Mr Allen, no time ought to be lost.

My health is very good — Remember me to all friends.

I am very Respectfully
Yours in haste —
M. T. Pivey

ad a talk with him for nearly two hours
think he will give us his note — at
east I hope he will — I find that
he has forgotten ~~much of~~ his ~~early~~
recollections of the Indian ~~[illegible]~~
in my pleasant & agreeable ~~[illegible]~~

WASHINGTON CITY
MAR 14

Paid

Single

Genl. H. B. Potter
Buffalo.
N.Y.

J. [illegible] Lee March 14, 1844

P.S. I hope you will pardon my scribbling —
I am obliged to write very fast, I have so
much to do & I fear there are
many mistakes — I have just returned
from Mr. Senator Porter's room

[1840, Mar. 16]

[illegible] Indians

# Translation.

16th day of March 1840

My Brother.

In answer to your letter, which was rec^d on the 12th ultimo, I now write. Your letter was read to me By Asher Wright and interpreted by Dithoyo, which I well understood. In the first place, I inform You that the Chiefs had a Council on the Buffalo Creek Reservation, and there were 65 Chiefs present, it commence on the 13th day of March and closed the 14th of the same, having transacted all the business which called them together. The Council wrote a letter to Washington City, and also appointed a Committee of three, to hold correspondence on the subject of the present business - Seneca White, Zechariah L. Jimeson and Heacock was composed of the com- Your father was present, and Your friends are well.

At the Meeting of the Friends in the City of N. Y. on the evening of February 12th 1840 - the remarks I made were these — "My Brothers, the friends I am happy to meet you in this place this evening. You have taken great care to see that justice is done towards us, particularly in the case of the pretended treaty now referred again to the Senate - We, the Delegates from the Majority of the Chiefs, opposed, to removal, have been to the seat of Government to protest against the ratification of it. You also some of you have been there, Your object was to acquaint the President of the U.S. and Congreſs, of the fallacy of the contract and the treacherous proceedings of those interested of our removal — You are our intercessors to plead for our people, and as it were our witnesses to affirm the truths of our remonstrances against it.

Brothers — For a long time, you have not ceased to persuade our people to encourage schools among us, you have told us that our Children should be instructed of the arts and the habits of civilized life; and our critical situation now shew us this necessity = for it is most true, that we are in a painful dilemma. We fear, that we may lose our country and our homes: Because, when we have applied for assistance to this man, he has defrauded us; again, we have always supposed that all the Clergymen will do us good, because they have interested themselves in our welfare, but we are discouraged to find one Minister among them, who was busily engaged in this notorious inhumanity. But, Brothers, Yours are our true friends. We are ashamed of ourselves, that we have been so indolent and slow to adopt your habits of life, which you have so faithfully impressed upon us. It was partly owing to our want of knowledge in the nature of negotiation that we have been so easily defrauded by designing men.

In conclusion, Brothers, for all your kindnesses towards us, we personally and on behalf of our chiefs & people, return our sincere thanks to you; Whatever it may be the fate of our people, we shall always remember your countenances with great pleasure — let us then leave our lot with the Great Spirit, the same God whom we worship, whom you also adore and worship"— Seneca White —"

I recieved this letter Yesterday. and have attempted to translated it as literally as I know how. You will abledge me, to correct the most apparent misconstructions and the obscure sentences.

By the public prints of today. I find notice mentioned that the Seneca Treaty was ratified by the Senate, on the 26 instant - So our struggle is ended, the next push will be at the point of the bayonet and be carried away vi et armis to the west -

From you friend

To Saml. Smith.
N.Y.

Maris B. Pierce

Dartmouth College. Hanover, N.H.
March 31st 1840.

HANOVER
APR
7
N.H.

37½

Smith & Lawrence

No 101 Pearl & 64 Stone Street

New York

N.Y.

Samuel Smith

# SCHOOL LANDS IN THE INDIAN RESERVATIONS IN THE STATE OF OHIO.

[To accompany bill H. R. No. 286.]

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APRIL 4, 1840.

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Mr. **Lincoln**, from the Committee on the Public Lands, submitted the following

## REPORT:

*The Committee on the Public Lands, to whom was referred, from the files, a resolution, adopted by the House of Representatives at the 2d session of the 25th Congress, instructing the committee "to inquire into the expediency of reporting a bill providing for the selection of other school lands for the townships lying within the Indian reservations in the State of Ohio, (hereinafter mentioned,) latterly purchased of the Indians by the United States; the section 16, in those reservations, having been decided not to be appropriated for the support of schools," &c., report:*

That, from the papers submitted to this committee, it appears that the subject-matter of the resolution was carefully examined into by the Committee on the Public Lands at the 2d session of the last Congress, and a report made thereon, fully presenting the facts in the case, together with a bill to secure to the townships within the reservations referred to in the resolution, the value of the appropriations of the sections 16, respectively, included in those reservations for the use of schools. The bill was not definitively acted upon by the last House of Representatives for want of time. This committee, having now reviewed the subject, adopt, and herewith return to the House, the report of the committee of the last Congress, together with a bill to carry into effect the object of the resolution.

Blair & Rives, printers.

APRIL 20, 1838.

*The Committee on the Public Lands, instructed by a resolution of th House of Representatives of the 2d of January last, "to inquire into th expediency of reporting a bill providing for the selection of other scho lands for the townships lying within the Indian reservations in th State of Ohio, (hereinafter mentioned,) latterly purchased of the Indians by the United States; the sections 16 in those reservations having been decided not to be appropriated for the support of schools. Th reservations to be included in the provisions of the bill are as follow viz: the Ottowa reservation, on Blanchard's creek; Ocquanoxa's village; the Lewistown reservation; the Wapaukonetta reservation; th Hog creek reservation; the Big spring reservation, (Wyandots;) th Seneca reservation, on Sandusky river; the Ottawa reservation, on th Maumee river, near Lake Erie;" having had the instructions unde consideration, report a bill on the subject:*

The occasion for legislating in the matter of said resolution will be bes understood from various communications from the Commissioner of th General Land Office, and the opinion of the Attorney General of the Unite States, which have been submitted to the committee, and are herewith presented. The committee ask that they may be received as parts of this report, and recommend that they be printed for the information of the Hous

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GENERAL LAND OFFICE, *December* 19, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of th 15th instant, respecting the 16th sections in certain Indian reserves in th State of Ohio.

The land officers at Bucyrus and Lima, within whose districts these reserves are situated, were advised, on the 27th of April last, that, in accordance with a recent decision of the Attorney General of the United State the sixteenth sections therein are *not* to be considered as appropriated f the support of schools, but will have to be sold for the benefit of the Indian and that the inhabitants of the townships will have to make application t Congress for other school lands in lieu thereof. These sections, never having been offered at public sale, are not now subject to private entry.

The reserves referred to in these instructions are as follows, to wit:

The Ottawa reserve, on Blanchard's creek, and Ocquanoxa's village; th Lewistown reservation; Wapaukonetta and Hog creek reservations; Bi spring reserve, (Wyandots;) the Seneca reserve, on Sandusky river; an the Ottawa reserve, on the Maumee river, near Lake Erie.

The sixteenth sections, within the limits of that portion of the gre Wyandot reservation ceded by the treaty of the 23d of April, 1836, we embraced in the President's proclamation of the 12th of December of th year for the sale of those lands at Marion, and are the only sections of th number in any of the lands ceded for the benefit of Indians in Ohio whic have been proclaimed for sale.

I have the honor to be, sir, your obedient servant,

JAS. WHITCOMB, *Commissioner.*

Hon. P. G. GOODE,
*House of Representatives.*

General Land Office, *March* 1, 1838.

Sir: In reply to your letter of the 24th ultimo, I have the honor to enclose a copy of the opinion of the Attorney General of the United States, deciding that the sixteenth sections within the limits of the reserves in the State of Ohio, stipulated by treaty to be sold for the benefit of the Indians, are not to be considered as appropriated for school purposes; with a copy of the instructions to the land officers, notifying them of said decision; and to state that none of those sections have been proclaimed for sale, or brought into market, with the exception of two fractional sections, within the limits of that part of the Wyandot reserve ceded by the treaty of the 23d of October, 1836.

I have the honor to be, with great respect, your obedient servant,

JAS. WHITCOMB, *Commissioner.*

Hon. P. G. Goode, *House of Representatives.*

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General Land Office, *April* 27, 1837.

Gentlemen: I have to state for your information, that the Attorney General of the United States has decided that where former Indian reservations in your district have been ceded to the United States with a view to their being sold for the benefit of the Indians, sections numbered 16, in such cessions, are not to be considered as appropriated for schools, but will have to be sold as the other ceded lands; and the inhabitants of the townships will have to make application to Congress for the appropriation of other lands for school purposes in lieu thereof.

The sections which have been withheld from sale, under the supposition that they were appropriated for schools, will, therefore, be proclaimed for sale whenever the President shall direct.

I am, &c.

JAS. WHITCOMB, *Commissioner.*

The Register and Receiver, *Lima, Ohio;* and
The Register and Receiver, *Bucyrus, Ohio.*

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Attorney General's Office, *April* 15, 1837.

Sir: In your letter of the 5th instant, you ask my opinion on the following question proposed by the Commissioner of Indian Affairs:

"Does the first proposition, in the 7th section of the act of April 30, 1802, 'to enable the people of the eastern division of the Northwestern Territory to form a constitution and State Government,' vest in a township a title to the sixteenth section for school purposes, superior to that of a reservee under a treaty by which the Indian title to the land was extinguished?"

I have the honor to inform you, in reply, that, according to the opinion given by me on the 31st of March, 1836, in the case of the Choctaw treaty, (to which I beg leave to refer,) the above question must be answered in the *negative.*

I am, sir, very respectfully, your obedient servant,

B. F. BUTLER.

Hon. J. R. Poinsett, *Secretary of War.*

ATTORNEY GENERAL'S OFFICE, *March* 31, 18

SIR: In your letter of the 15th instant, you ask my opinion on the qu
tion "whether, under the provisions of the acts of Congress providi
the admission of Alabama and Mississippi into the Union, respecting
grant of the sixteenth section in each township for the use of schools, r
servations for claimants under either of the articles of the Choctaw tre
of 1830 can be located on that section?"

The sixth section of the act to enable the people of the Alabama Ter
tory to form a State constitution, &c., approved March 2, 1819, offere
among other things, to the convention about to be held, the following pr
osition, viz: "that the section numbered sixteen in every township, an
where such section has been sold, granted, or disposed of, other lan
equivalent thereto and most contiguous to the same, shall be granted to t
inhabitants of such townships for the use of schools."

This proposition having been accepted by the convention, became, an
is, obligatory on the United States; that is to say, the faith of the nation
pledged to execute it literally, provided the Government of the United Stat
possess or can acquire the ability to do so.

But the words do not amount to a present grant; on the contrary, t
engagement is executory, and no particular time is specified for its fulfi
ment. Reason and good faith, however, require that it be executed fro
time to time, as fast as the United States shall be able to designate the se
tions, and to convey a good title therein; but if, for any cause, the Unit
States should be incapable of a literal execution, or should refuse to ex
cute, the inhabitants of Alabama would have no other means of obtaini
compensation or redress than such as might be found in an appeal to Co
gress.

In regard to that part of the Territory of Alabama which, in 1819, w
occupied by the Choctaws, it is also to be observed, that the United Sta
were incapable of making any grant thereof, except subject to the Indi
right of occupancy. As to the Choctaw country, the proposition abo
quoted must, therefore, be regarded as subject to the implied condition th
the United States should be able so to extinguish the Indian title as to en
ble them to execute the engagement according to its terms.

The provisions of the Choctaw treaty, which secure to persons of th
tribe certain reservations of land, were indispensable parts of the means
which the United States were obliged to resort to extinguish the Indi
title; and as no exception was contained in that treaty, of the sixteen
section, nor any allusion made to the compact with Alabama, it would b
unjust towards the Indians, and an infraction of the treaty, to prevent the
from locating on those lands. As between the Indians and the Unit
States, the treaty itself is the only measure of their respective rights; an
no restriction not found in that instrument can be imposed on the right o
locating the reservations secured by it.

Even, therefore, had the engagement of the United States been positi
to grant to the State of Alabama the sixteenth section, I should hold, in th
case which has actually occurred, that the claimants under the treaty cou
not be affected by it.

But the agreement is not exclusively confined to that section. It con
templates the contingency of that section's being otherwise disposed of, an
makes provision for such an event. So far as that part of the Territor
which was occupied in 1819 by the Choctaw Indians is concerned, I thin

the words "and where such section has been *sold, granted, or disposed of*," must be considered as applicable to the state of things which should exist when the Indian title should come to be extinguished; and then the sixteenth section, if claimed by an Indian reservee under the Choctaw treaty, will have been "*disposed of*," within the meaning of the original proposition; and, in that case, it is expressly provided that *other* equivalent and contiguous lands are to be granted.

I do not find any special provision relative to the sixteenth section in the acts concerning the State of Mississippi.

I have the honor to be, very respectfully, your obedient servant,

B. F. BUTLER.

Hon. Lewis Cass,
*Secretary of War.*

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*Indian reserves in the State of Ohio, the sixteenth sections within the limits of which the Attorney General has decided are not to be considered as school lands, and must be sold for the benefit of the Indians.*

Ottawa reserves, ceded by the treaty of 30th August, 1831: on the Maumee river and Ocquanoxa's village.

Senecas and Shawnees, ceded by the treaty of 20th July, 1831: Lewistown reserve.

Shawnees, ceded by treaty of 8th August, 1831: Wapaukonetta and Hog creek.

Wyandots, ceded by treaty of 19th January, 1832: Big-spring reservation.

Senecas, ceded by treaty of 28th February, 1831: on the Sandusky river.

Wyandots, a part of their large reserve, ceded by treaty concluded on the 23d April, 1836.

Minutes of the Proceedings of an Inquiry holden at La Chine, on Friday the 10th April 1840, upon the Complaints of Certain Chiefs and Indians of the Iroquois Tribe of Caughnawaga Contained in a Petition addressed to His Excellency The Governor General, bearing date the 19th day of March 1840.—

Present

The Secretary of Indian affairs.—

and

| | | |
|---|---|---|
| Donald Duff<br>Dr Roy LaPensée | Magistrates of the District of Montreal | Dr E. H. Mount<br>S. Y. Chesley |

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Martin Tekanasontie, Grand Chief and orator on the par of the Petitioners being duly sworn the following Questions were Put to him:—

| | |
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| 1st Question!<br>Who wrote the Petition now under Consideration? did you Understand its Contents, when you signed it?, | 1st Answer!<br>It was written by George de Lorimier at the Chiefs request, and our reason for signing it was because Mr Hughes told us to do so; in the presence of Mr Narcisse de Lorimier.— |
| 2d: In what way does Mr Hughes Cause dissentions in your Village, as alleged in your Petition?— | 2d: By supporting Ignace Kanaratake, and treating him as a Chief, although we have turned him out of our Council.— |
| 3d: Do you know that Mr Hughes has made any Chiefs at Caughnawaga, Contrary to the Established Indian Usage? | 3d: He do not mean to say, that Mr Hughes makes Chief; but that he treats his favorits as such; which was instanced by his giving the extra Allowance of Cloth to three Young men, which ought to have been given |

to

| | |
|---|---|
| | to the Chiefs Lazar Tehothkonwais sawenchsane; and Charles Oronwis. — |
| 4th: Do you know that the three Chiefs mentioned in answer No. 3. were in the habit of receiving Extra Presents Antecedent to the Year 1839?: — | 4th: We know that they were deprived of the Extra Cloth allowed to the Chiefs at the issue in 1839; but we Cannot speak as to former Years. — |
| 5th: In what manner did Mr. Hughes attempt to Change the established Rules and Customs of your Village? — | 5th: By refusing to Acknowledge and to treat J: Baptiste Sawenchsane, as a Chief, although he has been appointed by our Council. — |
| 6th Do you consider a Chief to be fully installed and entitled to assist in your Council, who has not been approved of by your Father The Governor? — | 6th We Consider our Appointment of a Chief Conclusive: The Governor's Approval is a mere matter of form; when did he ever reject one that we recommended? — |
| 7th: Do you know that Mr. Hughes has in any way encouraged ill disposed persons in Your Village, to set at nought the authority of the Lawful Chiefs: If so name it? — | 7th: Mr. Hughes has by his representations to the Young men, stating, that the Chiefs are Constantly drunk and revelling at the public expence, brought the Chiefs into disrespect, and he pays more Attention and respect to Ignace Kanaratokere: Thomas Sawenowane: Pierre Sakokenna: Lorant Tsionniatoseta and three Others than he does to the Council. And Moreover when we ask Mr. Hughes to procure us an Interview with our Father The Governor, he always puts us off; But if his favorites ask him for a like favor, he readily Grants it. |

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| 8th From what particular Circumstance do you infer or Know that Mr Hughes is unwilling to Procure you an Interview with your Father The Governor?— | 8th Because when our Father The Governor was in Upper Canada, Mr Hughes Promised to introduce us to him, as soon as He should return; But when we went with our Petition, we were not allowed to see His Excellency.— |
| 9th Did Mr Hughes instigate or Advise Indians of other Villages to take from you by force or otherwise, a Portion of a Certain Annuity which you receive from the State of New York.— | 9th We were told so, by Oronhkwatkoa, a Chief of the Lake of Two Mountains— |
| 10th How does Mr Hughes interfere in the disposal of the Revenue Arising from your Seigniory?— | 10th When we called upon our Agent Mr Baby on the 23d December 1839, for Money to Pay our debts, he took us to Mr Hughes, who prompted Mr Baby to say, that he had instructions from Col. Napier to Advance no Money to the Chiefs; but to pay off the public debt first, and to divide the residue, if any, equally amongst the Tribe: This we Consider Arbitrary and Contrary to our rights and Usage.— |
| 11th Does Mr Hughes Notify and Call in the Chiefs, to Witness the distribution of the Annual Presents: and has that been the practice of his Predecessors?— | 11th It was a practice always observed Until the last Issue, at which we did not Attend, through fear of receiving insults from the young men, of which we had an intimation.— |

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| 12th: In what respect is Mr. Hughes partial in the distribution of the Queen's Annual Presents?- | 12th: He gives more to some Indians than to others of the same grade: that some of the Half Cast (Witness) receive Presents, whilst others get none: an evidence of which is exemplified in the Case of George de Lorimier, who is excluded from any Participation in the Royal Bounty, although others with no stronger Claims receive full Equipments.— |
| 13th: Who are those false Chiefs whom Mr. Hughes has introduced to your Council: and when and where did he say, you Could not proceed in your business without them?— | 13th: The Learn Persons alluded to in the Petition are the following Vizt Kanoratahere: Sawenowane: Owenanis: Kacherakarin Tsionwatiwen: Sohakio: and Sarenhase: These men when they return from Montreal, Call us Drunkards, and say that Mr Hughes Considers the Chiefs to be good for nothing.— |

The Testimony on the part of the Petitioners being Closed the Inquiry is adjourned, and to be resumed to morrow Morning at 10 O'Clock.—

La Chine 11th April 1840: agreeably to the Adjournment of Yesterday, and Captain Hughes being Called upon for his Defence, the Inquiry was Continued at 10 A.M. Present: Donald Duff: V.R. LaRensée: E.H. Mount and S. Y. Chesley, Magistrates of the District of Montreal, and the Secretary of Indian Affairs.—

Joseph Baby, agent to the Seigniory of Sault St Louis Sworn.—

| | |
|---|---|
| 1st Do you recollect any Conversation that took place between three Caughnawaga Chiefs, Captain Hughes, and Yourself in Montreal, on the 23d December 1839, relative to a demand made upon you by the Indians, for some Money? If so: State that Conversation? — | 1st Yes: I do, it occurred at Mr. Hughes House on the day named: the Chief Tiohierote and others made a demand on me, As Agent, for Money: Wheat and Candles which I told them I could not accede to Consistently with my Instructions of the 1st June 1839, from the Secretary of Indian Affairs; but understanding that the Wheat and Candles were for the Public use, I gave both; but with held the money: I acted upon my own Construction of Colonel Napier's Orders, and was not influenced by Captain Hughes in my reply to the Chiefs. — |

At the request of Captain Hughes the Chief Sawenowane, and Seventeen other Chiefs and Warriors were Sworn and Examined as follows: Vizt —

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| 1st Do you know whether Mr. Hughes ever made Chiefs, or interfered with the Affairs of your Village, contrary to the usual Custom and Usage? — | 1st Answer: No. we never knew him to do any thing of the kind. — |
| 2d Did Mr. Hughes, since his Appointment in the year 1833, give satisfaction and had the Confidence of the Tribe, up to the Year 1839? | 2d Yes and it is only since last year, at the Appointment of Sawenchoane, as Chief by the interference of the Priest Marcoux and George de Lorimier, that any serious dissentions and divisions have occurred. — |
| 3d Did you ever hear that Captain Hughes encouraged ill disposed Persons to rebel against the Chiefs? — | 3d No never: He always recommended us to live Quietly together: and, if we do otherwise, the fault is our own: not his. — |

| | |
|---|---|
| 4th Are you aware that Mr Hughes ever put obstacles in the way to prevent the Chiefs from Seeing their Father The Governor?— | 4th No: but at the instance of our Priest, we often went without Consulting Mr Hughes; on which Occasions, we never Obtained an Audience.— |
| 5th Did you ever Understand that Mr Hughes strove to deprive you of your Annuity from the State of New York, and to transfer it to other Tribes?— | 5th No: quite the Contrary: when we failed to obtain our share of the Annuity in 1838, Mr Hughes, at the request of the Chiefs, went to St Regis: got our Money; and brought it to us.— |
| 6th Were the Chiefs satisfied at the manner in which Captain Hughes made the distribution of the Annual Presents prior to the Year 1839? | 6th Yes: after the distribution in each year, the Chiefs Present were invariably Addreſsed by Captain Hughes, and Asked, if they were Satisfied; which, was Answered in the Affirmative, and Certified by the Officer Appointed to Witneſs the distribution |
| 7th Did Mr Hughes send for the Chiefs at the iſsue of the Presents last Year?— | 7th Yes: he did.— |
| 8th Do you recollect that the Chiefs told Captain Hughes, in your Presence, at the iſsue in 1838, not to Consider Lazor Tothonwaisin as a Chief from that time forword?— | 8th We do recollect it well: and we also know that he Lazor, was suspended by the Council for turning the Government into ridicule, by joining a drunken party, with George de Lorimier in a mock Appointment of Chiefs.— |

We the Undersigned Magistrates having Assembled the day at Montreal, for the purpose of framing our Report upon the several Subjects brought under our Notice in the Course of the Preceding Inquiry into the Allegations Contained in the Petition of the 19th day of March 1840: do hereby express our Unanimous Opinion, that the Evidence Adduced on the part of the Petitioners, Appears to be insufficient to Establish any of the Charges therein Contained, and that We Consider the said Charges to be frivolous and Vexatious, and Got up through the secret influence and Vindictive feelings of the Missionary, and Another Individual herein after mentioned: From the testimony elicited in the Course of this Inquiry added to our knowledge of past Occurrences, and the present aspect of things at Caughnawaga, We are led to the Conclusion, that the Revd. Mr Joseph Marcoux and George de Lorimier are the Originators of all the difficulties and disagreements which now exist, and have for a long time reigned in that Village: For these reasons, we are Constrained to recommend, the removal of these two Persons, as the only means whereby harmony: Peace and Good Order may be re established and Maintained in Caughnawaga.

We at the same time, feel it to be a duty in justice to Captain Hughes, to declare our Opinion, that he stands fully and honorably Acquitted of all the Charges preferred against him in the Abovementioned Petition.—

Given Under our Hands at Montreal this 15th day of April 1840.

(Signed) Donald Duff J. P.
( " ) V.R. Lapensée J. P.
( " ) E.H. Mount J. P.
( " ) S. Y. Chesley J. P.

Certified Copy
(Signed) D.C. Napier
S. I. A.

Complaints of Indians of Caughnawaga expressed in a petition to the
governor-general of Canada, 27 Feb 1840. PUBLIC ARCHIVES OF CANDA,
OTTAWA, FEDERAL ARCHIVES DIVISION, RG 10, VOL. 717.

# Minutes of the Proceedings of an Inquiry holden at La Chine, on Saturday the 11 April 1840 upon the Complaints of Certain Chiefs and Indians of the Iroquois Tribe of Caughnawaga, Contained in a Petition Addressed to His Excellency The Governor General, bearing date the 27th day of February 1840.—

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## Present:

The Secretary of Indian Affairs, and
Donald Duff, } Magistrates of the } Dr E. H. Mount,
V. Roy Lapensée } District of Montreal } J. Y. Chesley.

The Chief Sawenonne and Seventeen Others, Signers of the Petition, being Sworn: } Answered as follows:

| | |
|---|---|
| 1. What are the Grievances, and Acts of injustice done to you by the Chiefs, and those who at present form your Council, as complained of in your Petition. | 1st Our feelings are hurt at Seeing our Revenue spent by the Chiefs for Strong drink: particulary as we are oftan drawn into Scenes of drunkenness by them.— |
| 2. You represent in your Petition to your Father The Governor General, that there are white Persons in your village, who endeavoured to make you Traitors in the Troubles of 1837 and 1838, and that the Same Individuals are the whole Cause of the present disturbance. Can you name these Individuals. | 2. Yes George de Lorimier and the Revd. Joseph Marcoux for a description of whose Conduct, we would refer you to attested documents in the hands of the Authorities.— |

| | |
|---|---|
| 3. You Complain, that your Revenue is Squandered by the present Chiefs and Council for Strong drink and Otherwise: What Changes do you propose to remedy this Evil? | 3. Those suggested in our Memorial to our Father The Governor, dated the 27th February 1840, or any other plan, that our Said Father in his Wisdom may recommend or Order.— |

Mr. Narcisse de Lorimier,
Interpreter Indian Dept. Sworn:

| | |
|---|---|
| 4. Do you recollect a Conversation, with Captain Hughes at Caughnawaga, on the 6 October 1839: If so, State it?— | 4th Yes, on that day I told Captain Hughes from the Chiefs, that they (the Chiefs) had nothing Against him; but his partiality for Ignace Kanaratakere.— |

We the undersigned Magistrates having Assembled this day at Montreal, for the purpose of framing a Report and Offering suggestions upon the Several Subjects brought under our Notice in the Course of the preceding Inquiry into the Allegations and Prayers Contained in the Petition of the 27th February 1840, have to Report, that the unequivocal Answer to the first Question, by Eighteen respectable Chiefs and Warriors On Oath; leaves no doubt on our minds, that an Unpardonable waste of their Public Revenue has been made in the present management of it, and As the Indians themselves desire a Change, We would respectfully recommend, that all the Commissions Granted to Chiefs of that village be Cancelled, and that the Number of Chiefs be reduced to Seven: Vizt. One to each Band, as they are at present Constituted?— That each Band shall select their Chief, subject to the Approvals of The Governor General?—

With reference to the 2d Question and its Answer, We Consider any further remark

from

from Us Unnecessary, in as much as the Attested documents alluded to in the Answer to that Questi are in the hands of the Officers of the Indian Department, and will no doubt be produced when required:—

Knowing the improvidence of all Indians we Cannot recommend the adoption of the Six the Prayer in the Petition, that the Revenue may be placed half Yearly, in the hands of the Chiefs and Council by the Agent:— It is Understood, that the Agent Appointed by the Government is held Accountable for the faithful and honest discharge of the duty of his Office, and moreover to furnish Sureties to guarantee the Payment of all monies which may Come into his hands: this Guarantee would be lost by placing the Control of the Public money in the hands of any number of Indians.—

The whole of which is most respectfully Submitted.—

Signed by us at Montreal, this
fifteenth day of April 1840.—
(Signed) Donald Duff J. P.
( " ) V. R. Lapensée J. P.
( " ) E. H. Mount J. P.
( " ) S. Y. Chisley J. P.

Certified Copy
Geo. Napier
S. I. A.

Minutes of the Proceedings of an Inquiry holden at La Chine, on Friday the 10th April 1840, upon the Complaints of Certain Chiefs and Indians of the Iroquois Tribe of Caughnawaga Contained in a Petition addressed to His Excellency The Governor General, bearing date the 19th day of March 1840.—

Present

The Secretary of Indian affairs.—

and

| | | |
|---|---|---|
| Donald Duff<br>Dr Roy LaPensée | Magistrates of the District of Montreal | Dr E. H Mount<br>S. Y. Chesley |

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Martin Tekanasontie, Grand Chief and orator on the par of the Petitioners being duly sworn the following Questions were Put to him:—

| 1st Question! | 1st Answer! |
|---|---|
| Who wrote the Petition now under Consideration? did you Understand its Contents, when you signed it?, | It was Written by George de Lorimier at the Chiefs request, and our reason for signing it was because Mr Hughes told us to do so; in the presence of Mr Narcisse de Lorimier:— |
| 2d: In what way does Mr Hughes Cause dissentions in your Village, as alleged in your Petition?— | 2d: By supporting Ignace Kanaratahen, and treating him as a Chief, although we have turned him out of our Council.— |
| 3d Do you know that Mr Hughes has made any Chiefs at Caughnawaga, Contrary to the Established Indian Usage? | 3d He do not mean to say, that Mr Hughes makes Chief; but that he treats his favorits as such; which was instanced by his giving the extra Allowance of Cloth to three Young Men, which ought to have been given |

to

| | |
|---|---|
| | to the Chiefs Lazare Tehothkonwaison Sawenchoani, and Charles Onawis.— |
| 4th: Do you know that the three Chiefs mentioned in answer No. 3. were in the habit of receiving Extra Presents Antecedent to the Year 1839?— | 4th: We know that they were deprived of the Extra Cloth allowed to the Chiefs at the issue in 1839; but we cannot speak as to former Years.— |
| 5th: In what manner did Mr. Hughes attempt to change the established Rules and Customs of your Village?— | 5th By refusing to Acknowledge and to treat J. Baptiste Sawenchoani as a Chief although he has been appointed by our Council.— |
| 6th Do you consider a Chief to be fully installed and Entitled to aſsist in your Council, who has not been approved of by your Father The Governor?— | 6th We consider our Appointment of a Chief Conclusive: The Governor's Approval is a mere matter of form; when did he ever reject one that we recommended?— |
| 7th: Do you know that Mr. Hughes has in any way encouraged ill disposed persons in your Village, to set at nought the authority of the Lawful Chiefs: If so name it?— | 7th Mr. Hughes has by his representations to the young men; stating, that the Chiefs are Constantly drunk and revelling at the Public expence, brought the Chiefs into disrespect, and he pays more attention and respect to Ignace Kanaratakere: Thomas Sawenowane: Pierre Sakokenna: Lorant Tsionniatosiata and three Others, than he does to the Council: And Moreover when we ask Mr. Hughes to Procure us an Interview with our Father The Governor, he always puts us off; But if his favorits ask him for a like favor, he readily Grants it.— |

| | |
|---|---|
| 8th From what particular Circumstance do you infer or Know that Mr. Hughes is unwilling to Procure you an Interview with your Father The Governor? — | 8th Because when our Father The Governor was in Upper Canada, Mr. Hughes Promised to introduce us to him, as soon as He should return; But when we went with our Petition, we were not allowed to see His Excellency. — |
| 9th Did Mr. Hughes instigate or Advise Indians of other Villages to take from you by force or otherwise, a Portion of a Certain Annuity which you receive from the State of New York. — | 9th We were told so, by Onenkwatkou, a Chief of the Lake of Two Mountains. — |
| 10th How does Mr. Hughes interfere in the disposal of the Revenue Arising from your Seigniory? — | 10th When we called upon our Agent Mr. Baby, on the 23d December 1839, for Money to pay our debts, he took us to Mr. Hughes, who prompted Mr. Baby to say, that he had instructions from Col. Napier to advance No Money to the Chiefs; but to pay off the public debt first, and to divide the residue, if any, equally amongst the Tribe: This we Consider Arbitrary and Contrary to our rights and Usage. — |
| 11th Does Mr. Hughes Notify and Call in the Chiefs, to Witness the distribution of the Annual Presents: and has that been the practice of his Predecessors? — | 11th It was a practice always observed Until the last Issue, at which we did not Attend, through fear of receiving insults from the young Men, of which we had an intimation. — |

| | |
|---|---|
| 12th In what respect is Mr. Hughes partial in the distribution of the Queen's Annual Presents?— | 12th He gives more to some Indians than to others of the same grade: that some of the Half Cast (Witness) receive Presents, whilst others get none: an evidence of which is exemplified in the Case of George de Lorimier, who is excluded from any Participation in the Royal Bounty, although others with no stronger Claims receive full Equipments.— |
| 13th Who are those false Chiefs whom Mr. Hughes has introduced to your Council: and when and where did he say, you Could not Proceed in your business without them?— | 13th The Seven Persons alluded to in the Petition are the following Vizt Kanaratahere: Sawenswani: Owenanis: Kacheratakarin: Tionwatkwen: Shahio: and Sarenhase: These men when they return from Montreal, Call us Drunkards, and say that Mr. Hughes Considers the Chiefs to be good for nothing.— |

The Testimony on the part of the Petitioners being Closed the Inquiry is adjourned, and to be resumed to Morrow Morning at 10 O'Clock.—

La Chine 11th April 1840: agreeably to the Adjournment of Yesterday, and Captain Hughes being Called upon for his Defence, the Inquiry was Continued at 10 A.M. Present: Donald Duff: V.R. LaPensée: E.H. Mount and S.Y. Chesley, Magestrates of the District of Montreal, and the Secretary of Indian Affairs.—

Joseph Baby, Agent to the Seigniory of Sault St. Louis }
Sworn.—

| | |
|---|---|
| 1st Do you recollect any Conversation that took place between three Caughnawaga Chiefs, Captain Hughes, and Yourself in Montreal, on the 23d December 1839, relative to a demand made upon you by the Indians, for some Money? If so: State that Conversation? — | 1st Yes: I do, it occurred at Mr Hughes House on the day named: the Chief Tsihierote and others made a demand on me, as Agent, for Money: Wheat and Candles which I told them I could not accede to Consistently with my Instructions of the 1st June 1839, from the Secretary of Indian Affairs; but understanding that the Wheat and Candles were for the Public use, I gave both; but with held the money: I acted upon my own Construction of Colonel Napier's Orders, and was not influenced by Captain Hughes in my reply to the Chiefs. — |

At the request of Captain Hughes the Chief Sawenowane, and Seventeen other Chiefs and Warriors were Sworn and Examined as follows: Vizt

| | |
|---|---|
| 1st Do you know whether Mr Hughes ever made Chiefs, or interfered with the Affairs of your Village, Contrary to the usual Custom and usage! — | 1st Answer: No: we never knew him to do any thing of the kind. — |
| 2: Did Mr Hughes, since his Appointment in the year 1833, give satisfaction and had the Confidence of the Tribe, up to the year 1839? | 2: Yes and it is only since last year, at the Appointment of Sawenchoane, as Chief by the interference of the Priest Marcoux and George de Lorimier, that any serious dissentions and divisions have occurred. — |
| 3d Did you ever hear that Captain Hughes encouraged ill disposed Persons to rebel against the Chiefs? — | 3d No never: He always recommended us to live quietly together: and, if we do otherwise, the fault is our own: not his. — |

| | |
|---|---|
| 4th: Are you aware that Mr. Hughes ever put obstacles in the way to prevent the Chiefs from Seeing their Father The Governor?— | 4th: No: but at the instance of our Priest, we often went without Consulting Mr. Hughes: on which occasions, we never Obtained an Audience.— |
| 5th: Did you ever Understand that Mr. Hughes Strove to deprive you of your Annuity from the State of New York, and to transfer it to other Tribes?— | 5th: No: quite the Contrary: when we failed to obtain our Share of the Annuity in 1838, Mr. Hughes, at the request of the Chiefs, went to St. Regis: got our Money; and brought it to us.— |
| 6th: Were the Chiefs satisfied at the Manner in which Captain Hughes made the distribution of the Annual Presents prior to the Year 1839? | 6th Yes: after the distribution in each Year, the Chiefs Present were invariably Addreſsed by Captain Hughes, and Asked, if they were Satisfied; which, was Answered in the Affirmative, and Certified by the Officer Appointed to Witneſs the distribution: |
| 7th: Did Mr. Hughes send for the Chiefs at the iſsue of the Presents last Year?— | 7th: Yes: he did.— |
| 8th: Do you recollect that the Chiefs told Captain Hughes, in your presence, at the iſsue in 1838. not to Consider Lazor Tothonwarisara as a Chief from that time forward?— | 8th: We do recollect it well: and we also know that he Lazor, was suspended by the Council for turning the Government into ridicule, by joining a drunken party, with George de Lorimier in a Mock Appointment of Chiefs.— |

We the Undersigned Magistrates having Assembled the day at Montreal, for the purpose of framing our Report upon the several Subjects brought under our Notice, in the Course of the Preceding Inquiry into the Allegations Contained in the Petition of the 19th day of March 1840: do hereby Express our Unanimous Opinion, that the Evidence Adduced on the part of the Petitioners, Appears to be insufficient to Establish any of the Charges therein Contained, and that We Consider the said Charges to be frivolous and Vexatious, and Got up through the secret influence and Vindictive feelings of the Missionary, and Another Individual herein after mentioned: From the testimony elicited in the Course of this Inquiry added to our knowledge of past Occurrences, and the present Aspect of things at Caughnawaga, We are led to the Conclusion, that the Revd Mr Joseph Marcoux and George de Lorimier are the Originators of all the Difficulties and disagreements which now exist, and have for a long time reigned in that Village: For these reasons, we are Constrained to recommend, the removal of these two Persons, as the only means whereby harmony: Peace and Good Order may be re established and Maintained in Caughnawaga.

We at the same time, feel it to be a duty, in justice to Captain Hughes, to declare our Opinion, that he stands fully and honorably Acquitted of all the Charges preferred against him in the Abovementioned Petition. —

Given Under our Hands at Montreal this 15th day of April 1840.

(Signed) Donald Duff J. P.
( " ) V. R. Lapensée J. P.
( " ) E. A. Mount J. P.
( " ) S. Y. Chesley J. P.

Certified Copy
(Signed) D. C. Napier
S. I. A.

Indians of Caughnawaga. PUBLIC ARCHIVES OF CANADA, OTTAWA, FEDERAL ARCHIVES DIVISION, RG 10, VOL. 663.

Minutes of the Proceedings of an Inquiry holden at La Chine, on Saturday the 11 April 1840 upon the Complaints of Certain Chiefs and Indians of the Iroquois Tribe of Caughnawaga. Contained in a Petition addressed to His Excellency The Governor General, bearing date the 27th day of February 1840.—

---

Present:

The Secretary of Indian Affairs, and
Donald Duff, } Magistrates of the } Dr. E.H. Mount,
V. Roy Lapensée } District of Montreal } J. G. Chesley.

| The Chief Sawenonne and Seventeen Others, Signers of the Petition, being Sworn: | Answered as follows: |
|---|---|
| 1. What are the Grievances, and Acts of injustice done to you by the Chiefs, and those who at present form your Council, as complained of in your Petition. | 1st Our feelings are hurt at seeing our Revenue spent by the Chiefs for Strong drink: particularly as we are often drawn into Scenes of drunkenness by them.— |
| 2. You represent in your Petition to your Father The Governor General, that there are White Persons in your Village, who Endeavoured to make you Traitors in the Troubles of 1837 and 1838, and that the Same Individuals are the whole Cause of the present disturbance: Can you name these Individuals. | 2. Yes George de Lorimier and the Revd. Joseph Marcoux for a description of whose Conduct, we would refer you to attested documents in the hands of the Authorities.— |

| | |
|---|---|
| 3. You Complain, that your Revenue is Squandered by the present Chiefs and Council for Strong drink and Otherwise: What Changes do you propose to remedy this Evil? | 3: Those suggested in our memorial to our Father The Governor, dated the 27th February 1840, or any other plan, that our said Father in his wisdom may recommend or Order.— |

Mr. Narcisse de Lorimier;
Interpreter Indian Dept. Sworn:

| | |
|---|---|
| 4. Do you recollect a Conversation, with Captain Hughes at Caughnawaga, on the 6 October 1839: If so, State it?— | 4th Yes, on that day I told Captain Hughes from the Chiefs, that they (the Chiefs) had nothing against him; but his partiality for Ignace Kanaratohere.— |

We the undersigned Magistrates having Assembled this day at Montreal, for the purpose of framing a Report and Offering suggestions upon the Several Subjects brought under our Notice in the Course of the preceding Inquiry into the Allegations and prayers Contained in the Petition of the 27th February 1840, have to Report, that the unequivocal Answer to the first Question, by Eighteen respectable Chiefs and Warriors On Oath: leaves no doubt on our minds, that an Unpardonable waste of their Public Revenue has been made in the present management of it, and As the Indians themselves desire a Change, We would respectfully recommend, that all the Commissions Granted to Chiefs of that Village be Cancelled, and that the Number of Chiefs be reduced to Seven: Vizt. One to each Band, as they are at present Constituted.— That each Band Shall select their Chief, subject to the Approval of The Governor General.—

With reference to the 2d Question and its Answer, We Consider any further remark

from

from us Unnecessary, in as much as the Attested documents alluded to in the Answer to that Question are in the hands of the Officers of the Indian Department, and will no doubt be produced when required:—

Knowing the improvidence of all Indians we Cannot recommend the adoption of the Six the Prayer in the "Petition, that the Revenue may be placed half yearly, in the hands of the Chiefs and Council by the Agent":— It is Understood, that the Agent Appointed by the Government is held Accountable for the faithful and honest discharge of the duty of his Office, and moreover to furnish Sureties to guarantee the Payment of all monies which may Come into his hands: this Guarantee would be lost by placing the Control of the Public Money in the hands of any Number of Indians.—

The whole of which is most respectfully Submitted.—

Signed by us at Montreal, this fifteenth day of April 1840.—
(Signed) Donald Duff J. P.
( " ) V. R. Lapensie J. P.
( " ) E. H. Mount, J. P.
( " ) S. Y. Chisley J. P.

Certified Copy
D. C. Napier
S. I. A.

Know all Men by these Presents that I, Catharine Jordan, a widow and relict of Jonathan Jordan an Oneida Indian of the town of Vernon in the County of Oneida do by these presents constitute and appoint Baptist Powles, a chief of the first Christian Party of the Oneida Indians, my true & lawful Attorney & for me & in my name, to ask demand & receive from General Patten or any agent or officer of the Messrs Ogden & Company of New York the claim & demand of the late Jonathan Jordan against the said Company & that Whereas the said Jonathan Jordan lately was drowned on his passage from Albany to New York & that he left me the said Catharine his widow & two small children to wit; Solomon Jordan aged five years & Elizabeth Jordan aged six Months, and whatever receipt or voucher he shall give in the premises shall be binding & obligatory on the respective parties, In witness and ~~we~~ I do further authorize & empower the said to give & grant an acquittance to the said Company in whatever relates to the said premises In witness whereof I have hereto set my hand & Seal at the date.

hereinafter named to wit 28th day of May in the year 1810

Sealed & delivered in presence of
V. Burchard
Atty for Oneida Indians

Catharine his X mark Jordan

Baptiste Powles

Oneida County ss.

I N. Burchard being requested to draw the foregoing Power of Attorney drew the same & the facts set forth in the same are true & correct according to the best information of the undersigned

N. Burchard Atty for Oneida Indians

Baptiste Powles
Power of Atty
from
Catharine Jordan

Power of Atty

ORIGINAL IN MANUSCRIPT DEPARTMENT
BUFFALO AND ERIE COUNTY

I hereby authorize & empower J. R. Schermerhorn of Utica N. York to receive and receipt the amount due on the Contract of Jonathan Jordan with Herman B. Potter dated Dec 25th 1837 and to discharge the same for me & Catharine Jordan in our names in virtue of the within power of attorney May 9th 1839.

Baptiste Powles

---

It is agreed between Herman B. Potter of the City of Buffalo of the first part and Jonathan Jourdon an Oneida Chief of the second part —

That in case the Seneca tribe of Indians shall accept the offers of the Government

Please to pay the amount of the within contract to J. F. Schermerhorn who is hereby authorised to receive and receipt for the same.

Jan. 25th 1838

Witness
E. Williams

his
Hargost X Smith
mark

---

Recd Of H. B. Potter Five Hundred Dollars in full of the within Contract

N. Y. July 27. 1840

Hargost Smiths acct $87.25
412.75
$500.00

J. F. Schermerhorn

Washington City 23rd Jan. 1840.

Genl. H. B. Potter

My dear Sir.

Nothing is new since my last. I had long interview with Mr. Fillmore this morning and is disposed to render aid on all proper occasions. The papers are now before the Committee, at least I was told they would be, to day by the Chairman of the Committee — I am placed in a most awkward predicament. I had a letter to day from the Comr. on Indian Affairs *positively* *refusing* to pay any portion of my expenses, nor would pay any other delegation from the Senecas. I wrote to Mr. Ogden saying, that if I cannot obtain aid from the Co — I must immediately leave W— for it would be the height of folly in me, to think of staying under these unpleasant circumstances

I was at the Department this morning, from all that I was informed there,

~~That~~ I hope Judge Stephen will not appear in Washington during the pendency of the Treaty, ~~for~~ the sake of the Treaty & for his own sake as the Agent— While the Department is desiring to have him retained in his Office— but wish at the same time to consider himself as such, & stay ~~Consideration~~ Supreme position, at least at his post—

I hope you will take the earliest ~~means~~ to have him informed of the fact.— He cannot possibly do any good as I can see here— But I would repeat that Mr Allen ought immediately (if he has not left) to come on ~~without delay~~—

So far as I have been able to ascertain things, they appear pretty well— Mr G. Kemble thinks all will be right— but there is no telling— Very truly your friend.

M. T. Strong

Memorandum of leases to be given by the Trustees of the pre-emptive Company to Individual Indians.

Life Leases

Captain Pollard (old Man)

80. Acres } About 80 Acres of land whereon he now lives on the Buffalo Reservation, including his house, barn &c for and during his own natural life, to terminate whenever he shall cease to live on and occupy the same. The Lease to be executed as soon after the ratification of the Treaty as the reservation shall be surveyed, so that the land can be described according to survey.

Tall Peter (old Man)

120. Acres } 1 About 120. Acres of land on the Buffalo reservation about 1¼ miles from the Lake at the old Sheppard Tavern, adjoining land occupied by Mr Snow, on the S.E. side thereof, for and during his own natural life, to terminate as above &c.

Silon Smith (old Man)

50. Acres } About 50. acres of land on the Buffalo Reservation for 10. years or during his own natural life as he may elect, about one half wood land and the other half cleared, to be located about 8. Miles from City of Buffalo so as not to interfere with any land heretofore contracted for; land to be described according to survey. To terminate &c. &c

Betsey Towns, Widow, sister of a faithful Emigration Chief (old woman)

25. Acres 2 About 25 acres of land including the house and barn where she now lives on the Buffalo Reservation, near Tom Jimison's, during her natural life. To terminate &c. &c

Blue Eyes (old man

50. Acres. } About 50. acres of land where he now lives on the Cattaraugus Reservation, including his improvements, for and during his natural life, to terminate &c. &c.

Levi Halftown (old Man

60. Acres } About 60. acres of land, being the lot or piece of land where he now lives on the Cattaraugus Reservation for and during his natural life. To terminate &c. &c.

Little Johnson (old Man)

Life leases extending to children } about 50. acres including the house and barn where he now lives also the house and barn lately occupied by Richard Pratt, on the Buffalo Creek Reservation for and during his own

50. Acres } natural life and the lives of his two children now living with him, To terminate &c. &c.

John Seneca (middle aged

About 150 acres of land, where he now lives on the Buffalo Reservation (about 6 miles from City Buffalo) for and during his own natural life and that of his wife and eldest son

150. Acres } Lewis Seneca. About 75. acres thereof to be located on the N. side of the Creek and to include his buildings and about 75 Acres to be located on the S. side of the Creek and to include his saw mill, the whole to include a suitable quantity of timber land, To terminate &c. &c.

Long John (old man)

About 200 acres of land on the Alleghany Reservation, on the south side of the River to include the improvements where the family

200. Acres } now lives, for and during his own life and the lives of his two

Long John (old man)

About 200 acres of land on the Alleghany Reservation, south side of the River to include the improvements where the family
200. Acres } now lives, for and during his own life and the lives of his nine children (excepting Jacob Jimisons Wife) on condition however that they are not to receive during the term of the lease payment for the same improvements under the Treaty. To terminate &c &c

Leases for Years } James Stevenson

About 125. acres where he now lives on the Buffalo Reservation including his buildings and improvements to him and his own
125 Acres } heirs for the term of 10 Years from ratification of the Treaty, to
3
terminate whenever he and his said heirs shall cease to live on or occupy the same &c. &c

Jabez Stevenson.

About 100 acres on the Buffalo Reservation, being the farm then (15 Jany 1838) occupied by C. R. Allen as a Tavern Stand, situated
100 Acres } on both sides of the road, for the term of 10. Years from Ratification
4
To terminate &c &c

John Bennett.

About 125. acres of land including the premises where he now lives
25. Acres } about 6 to 8 Miles from Buffalo on the Buffalo Reservation, for 10. Years from ratification, To terminate &c &c

Joseph Peter.

About 80. Acres of land for 10. Years from ratification, to be located
80. Acres } on the East side of Tall Peters land (see above). To terminate &c &c
5

Phillip Snow (John Snows son)

about 50 acres where he now lives on the Buffalo Reservation
50. Acres } for 10 Years from Ratification. To terminate &c &c

John Bark.

50. Acres } About 50. acres of land including the premises where he now lives on the Buffalo Creek reservation for 10 Years, [illegible] To terminate &c &c

James Young's, Widow, Sister of Thos. Jimeson

25. Acres 6 } About 25 acres of land including her house and fields where she now lives on the Buffalo Reservation for 10 years, to terminate &c &c

Jacob Jimeson

+ 50 acres — About 50 acres where he now lives on the Alleghany reservation for 10. Years. to terminate &c &c

John Gordon

+ 60. Acres } About 60. acres where he now lives on the Alleghany reservation now actually occupied and improved by him for 10 Years, to terminate &c &c

Spencer H. Cone

50 Acres } About 50 acres on the Tonnewanda Reservation including about 18. acres now occupied and improved by him, north of the Creek, and lying and being northerly of Mr. Parker's farm about half a mile from said Creek, for 10. Years to terminate &c &c

George Big Deer

+ 50 acres. About 50 acres where he now resides on the Cattaraugus Reservation for 10 Years to terminate &c &c

Captain Strong

200. Acres A lease for 10 Years from ratification, of those called Strong's farm, on the Cattaraugus Reservation now occupied by him containing 200 acres. to terminate &c &c

Saml. Wilson

100. Acres. About 100. acres on the Buffalo Reservation now occupied by him
7 for 10 Years, to terminate &c &c _

(Signed) H. B. Potter
(Signed) O. Allen
(Signed) P. P. Wilcox

To Thos. L. Ogden and
Joseph Fellows Esquires
Trustees &c

July 8. 1840

Heman B. Potter Esq New york 27 July 184

dear Sir

above is a Copy of your Memorandum of the leases agreed to be given to individual Seneca Indians under our Authority to you and your Associate Contractors.

The leases will be prepared in Conformity and sent to you as soon as possible after we shall be furnished with the requisite descriptions of the different Lots, of which you will give Assurance to the Indians Concerned.

We are respectfully
Yours

T. L. Ogden
Joseph Fellows _

company to individual Indians. BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY, BUFFALO, N.Y., INDIAN TREATIES, A00-723, BOX 58.

Copy account of leases
to be given to individual
Indians

Memorandum of leases to be given by the Trustees of the preemptive company, to individual Indians

1. Life lease, to **Captain Pollard** (Old man), ~~a lease of~~ about 80 Acres of land Situated where he now lives, on the Buffalo reservation including his house, barn &c for and during his own natural life, ~~determinable~~ to terminate when he shall cease to live on and occupy the same to be executed as soon after the ~~said [illegible]~~ the ratification of the treaty as the reservation shall be surveyed ~~into lots~~, so that the land can be described according to the Survey.

**Tall Peter** (Old man), ~~a lease of~~ about 120 Acres of land on the Buffalo reservation, about 1 1/4 Mile from the lake at the old Sheppard tavern, adjoining land occupied by Mr Snow on the S.E side thereof, for & during his own natural life, ~~determinable~~ to terminate as above &c

**Silver Smith** (Old man) About 50 Acres of land on the Buffalo Reservation for 10 years or during his own natural life as he may elect about one half wood land & the other half cleared, to be located about 8 Miles from Buffalo City, ~~[illegible]~~ [illegible] ~~[illegible]~~ contracted for, the land to be described ~~in said lease~~ according to the Survey ~~to be made~~ to ~~be determinable as above~~ terminate &c

2.d ~~Life~~ leases extending to children } ~~Little Johnson (Old man),~~

Destroy Town's Widow, Sister of a faithful emigration Chief (Old Woman), About 25 Acres of land including the house & barn where she now lives near Tom Jimerson on the Buffalo creek ~~Reservation~~ during her own natural life, to terminate &c &c.

**Blue Eyes** (Old man)

About 50 Acres of land where he now lives on the Cattaraugus Reservation including his improvements for & during his natural life, to terminate ~~[illegible]~~ &c.

**Levi Halftown** (Old man)

About 60 Acres of land being the lot or piece of land where he now lives on the Cattaraugus Reservation for & during his natural life, to terminate &c.

2d Life leases extending to children }

**Little Johnson** (Old man)

About 50 Acres including the ~~improvements~~ houses & barns where he now lives & also the house & barn lately occupied by R Hult, on the Buffalo Reservation, during his own natural life & the lives of his two ~~[illegible]~~ children now living with him ~~at home~~, to terminate &c &c.

**John Seneca** (Middle Aged)

About 150 Acres of land where he now resides on the Buffalo Reservation about 6 miles from City of Buffalo for & during his own natural life & that of his Wife & his Eldest Son Lewis Seneca About 75 Acres thereof to be located on the North Side of the Creek & to include his buildings & about 75 Acres to be located on the South Side of the Creek to include his Saw Mill & the whole to include a suitable quantity of timber land, to terminate &c &c.

**Long John** (Old man)

About 200 Acres of land on the Allegheny Reservation on the South Side of the River to include the improvements where the family now lives for during his own life & the lives of his Nine Children (excepting Jacob Jimesons wife) ~~to include the improvements where the family now lives~~, on condition however that they are not to receive during the lease of the lease payment for the same improvements under the treaty, to terminate &c &c.

known that they are not to remain during the term of the lease. Payment for the same improvements under the treaty, to terminate &c.

3d Leases for Terms,

**James Stevenson** ~~(Old man)~~

~~of~~ about 125 Acres ~~after~~ where he then lived on the Buffalo Reservation including his buildings improvements to him & his own heirs for the term of 10 years from the ratification of the treaty to terminate whenever he & his said heirs shall cease to live on ~~and~~ or occupy &c.

**Jabez Stevenson** –

~~of~~ about 100 Acres on the Buffalo Reservation being the farm there (15 Jany 1838) occupied by C. R. Allen as a Tavern Stand, situated on both sides of the road to terminate &c. & term 10 years from ratification,

**John Burnett**

about 25 Acres of land including the premises where he now lives about 6 to 7 miles from Buffalo on the Buffalo Creek Reservation, for ten years from ratification of treaty. to terminate &c.

**Joseph Peter**

about 80 Acres for the term of 10 Years from ratification, to be located on the East side of Tall Peter land, (See above) to terminate &c.

**Phillip Snow** (Jn° Snows Son)

about 50 Acres, where he now lives on Buffalo reservation, 10 years from ratification, to terminate &c.

**John Buck**

about 50 Acres, including the premises where he now lives on Buffalo Reservation, term 10 years, to terminate &c.

**Jn° Young's Widow** (Tom Jimmeson's Sister)

about 25 Acres including her house & fields where she now lives, on Buffalo Reservation 10 years to terminate &c.

## Jacob Jimeson

about 50 Acres, where he now lives on the Allegany Reservation, 10 years, to terminate &c &c

## John Gordon

about 60 Acres where he now lives ~~now actually occupied & improved by him~~ now actually occupied & improved by him on the Allegany Resn. 10 years, to terminate &c &c.

## Spencer H. Cone

about 50 Acres, on the Tonawanda Reservation including about 18 Acres now occupied, and improved by him North of the Creek, lying & being Northerly ~~from~~ of Wm Parker's farm, about 1/2 a Mile from said Creek, 10 years, to terminate &c &c.

## George Big Deer

about 50 Acres, where he now lives on the Cattaraugus Reservation, 10 years, terminate &c &c.

## Captain Strong

a lease for 10 years from Ratification, of the So called Strong Farm on the Cattaraugus Reservation now occupied by him, containing about 200 ~~from 150 to 200~~ Acres — to terminate &c &c.

## Sam Wilson

about 100 Acres, on the Buffalo Reservation now occupied by him, for 10 years, to terminate &c &c.

signed by

H. B. Potter
O. Allen
U. P. Villroy

To

Thos L. Ogden &
Jos. Fellows Esqs
Trustees &c

July 8 1840.

**Jacob Jimeson**

About 50 Acres, where he now lives on the Allegany Reservation, 10 years, to terminate &c

**John Gordon**

About 60 Acres, where he now lives ~~now actually occupied & improved by him~~ on the Allegany Res. now actually occupied & improved by him 10 years, to terminate &c.

**Spencer H. Cone**

About 50 Acres, on the Tonawanda Reservation including about 18 acres now occupied, and improved by him North of the Creek, lying & being Northerly ~~farm~~ of Wm Parkers farm, about 1/2 a Mile from said Creek, 10 years, to terminate &c.

**George Big Deer**

About 50 Acres, where he now lives on the Cattaraugus Reservation, 10 years, terminate &c.

Dr Mem: of Leases
July 8. 1840

# Memorandum or heads of arrangement between the Trustees of the Reservation lands, and the Contractors for procuring the release of the Indian title.

1 The amount of the distribution fund specified and provided for in the concluding part of the fourth Article of the agreement of the 23d Feby 1837 and increased by subsequent agreements between the parties to be liquidated and settled at the sum of one hundred and fifty thousand dollars — of which there is now to be paid to Genl. Potter in money, Twenty five thousand dollars — $25000

And in the notes of the individual Proprietors bearing interest from the 10th of July 1840 and payable at a Bank in the City of New York to the amount of — at 3 Months — $ 15.000

Do — " 5 do — 10.000

Do — " 7 do — 20.000

Do — " 9 do — 40,000

Do — " 12 do — 40.000 — 125,000

~~[illegible]~~ — $150.000

2. The Contractors to certify under their hands that this amount has been necessarily applied, expended and promised according to the terms and intent of the several agreements between the parties.

All advances by or on behalf of the Trustees to Indians here and at Buffalo and to others on account of sums agreed to be paid by the Contractors & which according to said agreements are chargeable to the Contractors on this fund, are to be deducted from the notes payable at twelve months.

3d The Contractors to give a bond of indemnity to the Trustees against all claims, demands and charges for services or expences incurred by the Contractors, or arising out of any engagements made by them under and by virtue of their said agreements with the Trustees.

4th Twenty thousand dollars to be advanced in money on account of the personal compensations of the Contractors, as stated in their note of the 29th June last, provided the respective sums therein mentioned shall be due to each. The individual accounts of each to be liquidated and the balance which may then remain due to each, to be paid in notes of the Trustees, payable at a Bank in the City of New York in three and nine months from this date with interest computed from the 14th day of June 1840. to be applied on the Contract when paid.

5th An account of the expense or contingent fund to be stated hereafter, and if it shall appear that the payments and advances to the contractors on this account exceed the amount chargeable to the Trustees, the excess shall be refunded to the Trustees.

6th The Contractors to certify in a letter to the Trustees, and if they so request also to the Secretary of War, in relation to the improvement fund, that the Indians are not entitled to claim interest on their respective proportions of that fund, and that the dividends or interest on the fund are to go to the Trustees — And the Contractors will also so far as they can do so, ~~will~~ obtain a Communication to the same effect, from the Seneca Indians in Council.

7th The Contractors stipulate and pledge also their honor and faith, to use their best exertions and influence to advance the surveys, to remove all objections and impediments to the execution of the Treaty and the delivery of peaceable possession of the lands and to unite their efforts to restore confidence in the title and generally to secure to the proprietors the benefits of their purchases of the Indians.

8th The payment of the notes to be secured by the Trust deed about to be executed.

Witness the hands of the said Trustees and Contractors this sixteenth day of July 1840.

T. L. Ogden
Joseph Fellows
H. B. Potter
James Stryker
O. Allen
H. P. Wilcox

In Letter to Trustees
as to Improvement fund
July 16. 1840

Thos L. Ogden &
Joseph Fellows Esquires    New York 11 May 183[illegible]

Gentn

At your request we furnish a statement relative to the provision contained in the Treaty of 15th January 1838, for the payment of $102,000 to the Seneca Indians for improvements on their lands.

By the treaty the United States agree to receive the sum of $202,000. being the consideration money mentioned in the deed of conveyance to you, and belonging to the Seneca nation — $100,000 of which is to be invested by the President in safe stocks for the use of the nation, and the balance being the sum of $102,000 is to be paid by the United States to the owners of the improvements of the lands, according to an ~~appraisement~~ appraisal ~~& distribution~~ & award of said sum among ~~the~~ owners ~~on their severally relinquishing~~ their respective possessions to you. We were actively engaged in all the negotiations ~~[illegible]~~ incident to the Treaty & had special conversations with the Indians & the Commissioner in relation to this provision, and can certify that ~~the~~ it was never the intention of the parties at any time ~~[illegible]~~ that the Indians were ~~[illegible]~~ to claim interest on their respective proportions of the said sum of $102.000.— On the contrary it

was ~~stated~~ understood that the dividends & interest on that
sum after being paid or secured to the Govt by the Trustees should
go to them, until ~~the~~ its application ~~of it~~ to the pay-
ment of the individual owners on the relinquishment
of their possessions. It was suggested to the Commr. that ~~[illegible]~~
~~explanation~~ it would be well to insert an expla-
nation to that effect in the treaty. But he declined
doing so ~~at this~~ for the reason that the papers were
all prepared & could not be conveniently amended & especially on the ground that the
govt would readily accord to the Trustees what
they were manifestly entitled to from the very
nature & terms of the investment. It being
obvious that as the sum was ~~a~~ only intended for
individual benefit, and as no individual ~~was~~ would be
entitled to any portion of it until he had relinquished
the improvement for which he claimed a share, the
Trustees on their part should have the benefit of
the proceeds of the investment of the sum of $102,000
until the appraisal was completed, the disburse-
ment or distribution of the money made, and the
possession yielded up.

Yours very respectfully
Signed - H. B. Potter
H. P. Wilcox
James Stryker
Orlando Allen

New york July. 16th 1840.

Know all men by these presents, that we Herman B. Potter, James Stryker & Orlando Allen all of Buffalo, in the County of Erie, and Henry P. Wilcox of Irving in the County of Chautauque, are held & firmly bound unto Thomas L. Ogden of the City of New York & Joseph Fellows of the County of Ontario in the sum of one hundred thousand dollars of lawful money of the State of New York, to be paid to the said Thomas L. Ogden and Joseph Fellows or to their certain attorney executors, administrators or assigns: To which payment well & truly to be made, we bind ourselves, our heirs, executors and administrators, jointly & severally firmly by these presents- Sealed with our seals and dated the Sixteenth day of July one thousand eight hundred & forty-

Whereas by certain articles of ~~articles of~~ agreement bearing date the twenty third day of February in the year one thousand eight hundred & thirty seven, made between the above named Thomas L. Ogden and Joseph Fellows of the first part, and the above bounden Herman B. Potter, James Stryker and Orlando Allen of the second part, and by a certain other agreement made between the said Thomas L. Ogden and Joseph Fellows of the first part and the above bounden Henry P. Wilcox of the second part, dated the twenty second day of June, in the same year, the said Herman B. Potter, James Stryker, Orlando Allen, and Henry P. Wilcox agreed to use their best endeavors & exertions to dispose and induce the Seneca Indians to adopt & pursue the advice & recommendations of the government of the United States in respect to their removal & future location out of the State of New York, and on just & fair terms to sell & release by treaty their reserved lands, in the western part of the State of New York, known and distinguished by the names of the Buffalo creek reservation, the Cattaraugus reservation, the Allegany reservation and the Tonnawanta reservation, to the said Thomas L. Ogden & Joseph Fellows, they being the preemptive owners thereof for themselves and as trustees for others-

And whereas by the said first recited agreement it was among other things stipulated and provided, that the said parties thereto of the first part, should pay to the said parties thereto of the second part, in addition to other sums of money therein mentioned and in lieu of all other their expenses & disbursements and of all other compensations whether for their own services or for compensations, donations or allowances to others, whose co operation they might engage or procure, the sum of fifty thousand dollars in case the whole of the said lands should be so released, and in that proportion for so much thereof as should be so released, which sum by other agreements between the said parties was subsequently encreased, on condition that such encreased allowance should cover all claims of the said parties of the second part for services & expenses in and about their negotiations with the Tuscarora Indians -

And Whereas thro' the agency and services of the said Heman B. Potter, James Stryker, Orlando Allen, & Henry P. Wilcox a treaty has been made for the release of the title of the said Indians to the whole of the said reservations, and the amount payable by the parties to the said agreement of the first part to the parties thereto of the second part under & in pursuance of the above recited stipulation & ~~promises~~ agreements, has been liquidated and settled at the sum of one hundred and fifty thousand dollars, the whole of which has been paid or accounted for by the said Thomas L. Ogden and Joseph Fellows to the said Heman B. Potter, James Stryker, Orlando Allen and Henry P. Wilcox on their agreeing to give the security and indemnity hereinafter contained.

Now the condition of this obligation is such, that if the above bounden Heman B. Potter, James Stryker, Orlando Allen & Henry P. Wilcox shall well and truly pay, satisfy and discharge all such sum and sums of money as under and in pursuance of the above recited stipulation and ~~promises~~ agreements they may have agreed or promised to pay for or in respect to any such expenses, disbursements, compensations, donations or allowances as are therein mentioned or referred to, and shall at all times hereafter well and truly indemnify and save harmless the said Thomas L. Ogden and Joseph Fellows and each of them and each of their heirs, executors and administrators from and against all claims and demands, loss, damages, costs and charges which they, or any or either of them may incur or sustain by reason or means or in consequence of any such expenses, disbursements, engagements, contracts, compensations, donations and allowances, then the above obligations to be void and of no effect, otherwise to remain in full force and virtue.

led & delivered in the
presence of

H. B. Potter (L.S.)
James Stryker (L.S.)
Orlando Allen (L.S.)
H. P. Willcox (L.S.)

words "of the first part" in the
th line of the second page being
lined & the words "agreements"
the tenth & nineteenth lines of the
e page being written on ~~the~~
erasures

An arrangement having been concluded on the 16th day of July 1840 between the Trustees of the Reservation lands & the Contractors for procuring the release of the Indian title and among other things it having been agreed that the amount of the distribution fund specified ~~[illegible]~~ provided for in ~~by~~ the concluding parts of the fourth article of the agreement of the 23d Feby 1837 and increased by ~~the several~~ ~~[illegible]~~ ~~agreements~~ subsequent agreements ~~supplementary thereto~~ between the parties ~~having been~~ should be liquidated at the sum of $150,000 on the contractors ~~agreeing~~ ~~[illegible]~~ stipulating to certify to the necessary ~~a~~ application & expenditure thereof.

Now therefore We the said contractors do hereby certify that the said ~~amount~~ sum of $150,000, the amount of the said distribution fund as liquidated has been necessarily applied, expended & promised according to the terms and intent of the said ——

~~of the agreement of the 23d Feby 1837 and of the~~ several ~~subsequent~~ agreements between the said parties.

Witness our hands at New York this sixteenth day of July 1840.

signed H. B. Potter
H. P. Willcox
James Stryker
Orlando Allen

Dr Certificate as
to Distribution fund
July 16. 1840

| | | | |
|---|---|---|---|
| with | | H. B. Potter | Cr |
| 1840. July | 27. | By balance due Jn^o Anthony | 392. 25 |
| " | " | " Do do Honyost Smith | 412. 75 |
| " | " | " Do Do Jon^a Jordan | 485. 00 |
| " | " | " Do Do Babtist Powlis | 202, 25 |
| " | " | " Interest allowed on R. Tillotsons Note | 18. 37 |
| | | | $1.510. 62 |

| | | | |
|---|---|---|---|
| 1838 | Dr. Reverend J. F. Schermerhorn | | in a/c |
| Jany 24 | To Cash for James Crucik | 12.00 | |
| | Interest 2½ Years | 2.10. | 14. 10 |
| May 28. " | Your Note for Little Johnsons Outfit | 52.06 | |
| 1837 | Interest 2 Years | 7.28. | 59. 34 |
| August | Cash paid Delegates, | | 150. 00 |
| July 27 | R. Tillotson Note at 5 Mos from 10 July. No 2 on Statement | | 1287. 18. |
| | | | $1.510. 62 |

[illegible] by these Presents
I hereby authorize & empower
J. F. Schermerhorn of Utica to
the money due me on the within
contract and to discharge the
Dated Feb 10th 1838

Witness

Before

Abraham Dewey

Recd Of H. B. Potter Five Hundred dollars
in full of the within Contract
N. Y. July 27. 1840

J. Jordan's acpt $15
485
$500

J. F. Schermerhorn

Paid $5. on the within —

ORIGINAL IN MANUSCRIPT DEPARTMENT

War Department
Office Indian affairs
Aug: 15. 1840.

Sir

Your letter of 13. Aug: 1840. to the Secretary of War has been referred to this office.

You mention the fact that Ogden & Fellows have commenced surveying the land conveyed to them by the Indians in New York & encountered no difficulty except at the Tonawanta reservation, where the Indians, because none of the Chiefs living on that particular tract signed the treaty confirming the conveyance, compelled your agents to desist, assuming that they were not bound to an observance of the Treaty.

I do not think it the duty of the Department to interfere in this matter further than to induce a right understanding of the treaty on the part of the Indians, & to convince them that they are bound by it. It is true, so far as I am able to ascertain from the papers on file in this office, that none of the Chiefs living on the Tonawanta reservation have signed the deed, conveying it to Ogden & Fellows, or the Treaty, but they had no separate interest or ownership in that particular body of land. it, with all the other Seneca Tracts belonged to "the Seneca Nation" & is embraced within the boundaries declared by the treaty of 11. March 1794, to designate "the property of the Seneca Nation," which on its part agreed never to "claim any other lands within the boundaries of the United States; nor ever disturb the people of the United States in the free use & enjoyment thereof." The Seneca Nation then had the right by its acknowledged authorities, & they alone, to cede the land, & the ques is narrowed to this, have they ceded it? Of that no doubt exists, nor can the enquiry be permitted, after a treaty has been made with the nation & received the constitutional sanction of the President & Senate. Of this, & the necessity for their compliance with all the requirements of the treaty, an agent of the department who is now on his way to Buffalo, will be instructed to advise them, & to satisfy them that there is but one course left for the department, in pursuing which, however, every attention shall be paid to their convenience and comfort, and every effort made to advance their interests. Beyond this I do not think I can at present go.

Very Respectfully
Your most obt: Servt:
Signed J. Hartley Crawford.

T. L. Ogden Esqr.
New York

New York 17 Aug. 1840.

Joseph Fellows Esqr.
Dear Sir

Annexed you will find a copy of a letter just received from the Indian department of the war office in answer to that which I addressed to the Secretary of the 13th & of which a copy was enclosed in mine to Mr. Wadsworth of the same date.

I know nothing of the Agent spoken of by Mr. Crawford, nor where he may now be. I think it adviseable that you immediately write to Genl. Potter & send him a copy of Mr. Crawfords letter.

Yours Sincerely
T. L. Ogden.

Geneva Aug 20. 1840.

Dear Sir

I have received your letter of the 17: inst. with a copy of a letter from Mr. J. Hartley Crawford of the office of Indian Affairs to you dated the 15: inst: on the effect of the late Indian treaty as a purchase of the Indian right to the Tonnewanta reservation.

I shall send a copy of it to Mr. Wadsworth & another to Genl. Potter & request information of the movements of the Agent mentioned by Mr. Hartley. I shall suggest the propriety of the Agent holding a council on the Tonnewanta which I will make it a point to attend with Mr. James S. Wadsworth if he will consent to go. I shall consult Mr. Wadsworth & Genl. Potter as to the policy of getting some of the friendly Buffalo chiefs to to attend the council.

Iam &c
J. F.

T L Ogden Esqr

---

Genl. H B Potter

Geneva Aug 20. 1840

Dear Sir

I annex a copy of a letter from Mr. Ogden to me of the 17th. inst. & of my answer to it. and of the one from Mr. Crawford referred to in my Ogden's letter. I shall be obliged by information as soon as possible if the Agent mentioned in Mr. Crawfords letter has arrived at Buffalo & if so that you will ascertain his movements in regard to a Council at Tonnewanta. Also advise me on the subject of getting a few of the Emigration Chiefs to attend:-

Yrs truly
Joseph Fellows-

Paid

GENEVA
AUG
21
N.Y.

PAID

Single

12½

General Heman B. Potter

Buffalo. =

Joseph Fellows
Augt. 20. 1840

with copy of letter from
War Department &c.

Ansd. Augt. 22

C. P. Arndt whose name is affixed to the above Certificate of Acknowledgment is a Notary Public duly Commissioned and Sworn and that all his acts and attestations as such are entitled to full faith and credit.

(L.S.) In Testimony whereof I have hereunto set my hand and affixed the seal of said Court this 26th day of October A.D. 1837. Chas. C. Sholes C. D. C.

I William C. Frazer Judge of the District Court of the United States for the County of Brown W. T. Do Certify that Charles C. Sholes whose name is affixed to the above Certificate is Clerk of said Court duly Commissioned & Sworn according to Law.

Ex.

William C. Frazer.

Examined & compared with the Original the 25th day of November 1837 by Archd. Campbell
Dep. Secretary

## A Treaty Between the First and Second Christian parties of Oneida Indians residing in the State of New York of the one part, and The People of the said State of the other part:

Whereas many members of the First and Second Christian parties of Oneida Indians residing in the Counties of Madison or Oneida or elsewhere in the State of New York, are disposed to emigrate to Upper Canada or else where beyond the limits of said State, and therefore desire to sell to the People of said State, a part of the lands situated in said Counties and still belonging to the said Parties collectively, proportioned to the numbers so desiring to Emigrate

And Whereas other members of the said two Parties of the Oneida Indians, though not at present disposed to sell their own proportion of the lands so belonging, to the said two parties collectively are nevertheless willing that all those members of said two parties, who are disposed so to emigrate as aforesaid, should do so, and receive an equivalent in money for the portion of lands so proposed to be sold and are also willing to cooperate and unite in the negotiation and execution of a Treaty for such purpose.

And Whereas propositions on behalf of all the members of the said two parties of Oneida Indians residing in the Counties aforesaid or elsewhere in said State, have been made to the Commissioners of the Land Office of said State for the negotiation and execution of a Treaty for the sale and cession to the People of said State of the said proportion of the Lands aforesaid, and for the reservation, location and description of the residue of said lands to be reserved to such members of the said two parties of the Oneida Indians residing in this State, as are not at present disposed to emigrate, but prefer to remain in the occupation of their proportion of said lands.

And whereas in and by an act of the Legislature of the said State of New York entitled "An act relating to the Oneida Tribe of Indians" passed March 8. 1839 the Commissioners of of the Land Office of said State are authorised and empowered to purchase of the said Oneida Indians or any party or portion thereof, their lands or any part thereof, situate in the Counties of Oneida and Madison from time to time as the Commissioners or a majority of them may deem proper and to make such Treaties contracts and arrangements with the said Indians or with any party or portion of them in relation to the lands of the said Indians in this State as the said Commissioners or a majority of them may deem just and proper but no act of the said Commissioners can have any force or effect, until the same shall be approved by the Governor of the said State.

And Whereas the whole quantity of

land situate in said Counties, and collectively possessed by all the members of the aforesaid two parties of Oneida Indians is supposed to amount to $4509\frac{85}{100}$ acres in which the Estate or interest of the said Indians according to their usage, as recognized and acted on in former Treaties with the same tribe and in conformity with their present understanding and consent; is Common, undivided, and individually, equal, so that the quantity of said land to be sold and ceded, by virtue of the present Treaty must bear the same proportion to the whole quantity of said land as the number of Indian souls intending to emigrate bears to the whole number of souls included in the said two parties possessing the whole of said lands.

And whereas the whole number of souls included in the said two parties of Oneida Indians residing in the said two Counties aforesaid or elsewhere in said State, is ascertained to be 578 souls so that if the aforesaid whole quantity of $4509\frac{85}{100}$ acres of land were equally divided per capita among the whole number of souls, the quantity to each individual would be $7\frac{802}{1000}$ acres, and a minute indefinite fraction over.

And whereas in order to ascertain the quantity of land possessed by the said Tribe which should be ceded and conveyed in order to carry into effect the objects of this Treaty the names and numbers of the members of the said Tribe intending to emigrate beyond the limits of this State and also the names and numbers of the members of the said tribe intending to remain in the occupation of their lands, have been carefully ascertained by Nathan Burchard the Attorney of the said Indians and Sands Higginbotham, Agents in behalf of the said Tribe and by Salmon Case and Timothy Jenkins Agents of the Commissioners of the Land Office; and lists of the said two parties respectively have been made and attested by the said agents which are hereto annexed as Schedules 1 and 2 and form a part of this Treaty: in which lists the several parties constituting the said Emigrating, are designated as hereinafter provided

And Whereas according to the usage of the said Indians and the provisions of former treaties with the same tribe, although their land is possessed by them collectively and their interest in it is common and undivided, yet the improvements made thereon or upon any part thereof are considered as the property of the individuals or families who make such improvements

And whereas the following articles of a Treaty and cession have been submitted to his Excellency William H. Seward Governor of of the said State of New York whose approbation thereof is hereinafter expressed. Now Therefore This Indenture made this nineteenth day of June in the year of our Lord one thousand eight hundred and forty, BETWEEN the said First and Second Christian Parties of Oneida Indians constituting the party of the first part and the People of the State of New York, acting by their agents the Commissioners of the Land Office aforesaid, constituting the party of the second part. Witnesseth as follows towit:

Article I. The above named party of the first part, in consideration of the agreements hereinafter contained on the part of the said party of the second part, and of the receipts of the sums of money hereinafter specified as being paid at the execution and conclusion of this Treaty, Do hereby grant, bargain, sell, cede and surrender to the People of the State of New York all the right, title, estate and interest of the said party of the first part in and to so much of all the lands whatsoever reserved to and occupied by the said party of the first part situate in the Countys of Madison and Oneida in this State, as shall upon actual survey of the said lands as hereinafter is provided, be found to be the proportion according to the ratio herein before recited, of the said Indians members of the said tribe enrolled on the said attested list for migration beyond the limits of this State, such proportion of all the lands aforesaid being now supposed to be about Fifteen hundred acres: to have and to hold the same to the said people forever.

Article II. In order to ascertain and determine the true quantity and precise location and description of the lands hereby ceded and conveyed, and also to determine the quantity and locate the portion of land to be reserved for those Indians who do not intend to migrate, it is hereby stipulated and agreed by and between the parties to this treaty that the Commissioners of the Land Office of the State of New York shall appoint a practical and experienced Surveyor on the part of the said State with such associates as may be necessary, and that such Surveyor and Sands Higginbotham on the part of the said Indians, shall as soon as it can be conveniently done measure and survey the whole of the lands occupied and possessed by the said party of the first part in the Counties of Madison and Oneida, and in which they have any right or interest; and ascertain the full and entire quantity thereof; and they shall partition and lay off in a single parcel or tract, in a form as compact and convenient as may be found practicable, the portion of the said lands which shall be the [illegible] just proportion for those Indians enrolled on the aforesaid attested list as intending not to emigrate and to remain on their lands which apportionment and partition is to be made so as to give to the said party so remaining a quantity of land bearing the same proportion to the whole quantity of land so ascertained to belong to the party of the first part, as the number appearing on the said attested list, of souls belonging to the said remaining party bears to the whole number of souls appearing on the said attested list to belong to the said first and second Christian parties without reference to the quality of the said land or to any other consideration than quantity: and the said portion shall be located as near as may be within the following limits and boundaries: Beginning at the South line of the Indian Reservation at a point where Mud creek intersects the same thence north to a point where a line drawn in a straight direction shall meet the north bounds of a tract of 1524 78/100 acres mentioned in Peleg Giffords map thence west along the north line of the said tract so far that a line drawn parallel with the east line of the said portion, and extending to the south line thereof, shall contain the quantity so ascertained to be the proportion to be reserved for the said Indians intending to remain; and shall make and subscribe a separate map and description thereof: and the said Surveyor so to be appointed and the said Sands Higginbotham shall also make and subscribe a separate full and correct map and description of all the residue of the lands to which the party of the first part have any right or title, or of which they are in possession in the Counties of Madison and Oneida remaining after the aforesaid apportionment and partition. Before entering on the discharge of their duties, they shall be sworn before some justice of the Peace or Judge of a Court of Record, faithfully to perform the duties assigned them by this Treaty

The aforesaid maps and descriptions shall state the exact quantity in each portion of the said lands shall be acknowledged by the persons making the same in the manner to entitle deeds to be recorded and shall be annexed to a duplicate of this Treaty and filed in the office of the Secretary of State of this State, there to remain of record and shall constitute a part of this Treaty as fully as if the same were herein incorporated at length. The said portion of land so described and set apart for the said Indians intending to remain shall be and remain for the exclusive use occupation and possession of the said Indians so enrolled on the on the aforesaid list as intending not to emigrate at present, and to remain, and shall be held, had and enjoyed by, them and those Indians who shall succeed to their rights in the same manner and to the same extent as the said lands are now held and occupied by the party of the first part to this Treaty subject however to the modifications herein after contained: And such of the said first and second Christian parties of Oneida Indians who are enrolled on the said list attested as aforesaid, as intending, to emigrate hereby release quitclaim & forever renounce to the said Indians who are so enrolled as intending to remain and to those who may succeed them in their rights, all right, title, claim and demand whatsoever in and to the said portion of land so set apart, described and reserved for the said Indians who do not intend to Emigrate And it is further mutually stipulated and agreed that the map and description so to be made and filed as aforesaid of the lands remaining after the said reservation made as aforesaid for the use of the Indians intending to remain, shall be deemed and taken as the designation and particular description of the lands and premises ceded and conveyed in and by the first Article of this Treaty to the People of the State of New York. In case the said Sands Higginbotham shall decline or omit or be unable to perform the duties herein assigned to him the Chiefs Warriors and Headmen of the said Oneida Indians may appoint another in his place who shall possess the same powers in all respects. The expenses of the said surveys maps and descriptions including an allowance of three dollars per day to the Surveyor and the said Sands Higginbotham respectively or whoever may be appointed in his place shall be advanced by the State of New York and shall be reimbursed out of the proceeds of the sales of the lands hereby ceded to the said State

Article III. And whereas the persons and souls enrolled on the said attested list as intending to emigrate consist of three parties: First: a party headed by Moses Schuyler and Abraham W Sikles amounting to 242 who are designated on the said list as the first emigrating party. Second: a party intending to emigrate to some place not yet definitively settled but who desire to receive an advance on account of their interest in the Indian lands in order to enable them to find a proper place and prepare for their removal there: these are designated on the said emigrating list as the Second Emigrating party. Third: a party also intending to emigrate ultimately but who do not require any advance at this time on account of their lands: these are designated on the said list as the third emigrating party. Now it is hereby stipulated and agreed by and between the parties to this Treaty, that the People of the State of New York will advance and pay as herein as hereinafter specified as part of the consideration for the purchase and cession of the lands hereby ceded and conveyed to the said People the following sums that is to say:

1. On the final conclusion of this Treaty the said People will pay to Salmon Case, Ira S. Hitchcock and Nathan Burchard who have been nominated by the whole of the said migrating parties as Trustees and Agents for the purpose, the sum of Fifteen thousand dollars to be expended under the direction of the said trustees and the Chiefs and Headmen of the said first migrating party above specified as follows: Nine thousand dollars thereof to be paid for the purchase of a tract of land in Canada for which the said party has contracted and the residue six thousand dollars is to be applied in the payment of the expenses of the delegates to Canada to complete the purchase of the said tract, to the payment of such debts of the said party as their Chiefs and Headmen shall certify to be fair and just, and as shall appear to the said Trustees to be of that character, and the balance to be distributed among the individuals of the said party in such manner and proportions as their Chiefs and Headmen and the said Trustees shall deem just and equitable in order to enable the said individuals to procure the articles which it may be necessary or convenient for them to take upon their emigration.

2. After the final conclusion of this Treaty the said People of the State of New York, will pay the said Salmon Case, Ira S. Hitchcock and Nathan Burchard who have in like manner, been nominated by the Emigrating Indians Trustees and Agents for the purpose the sum of Six thousand dollars, to be expended under the direction of the said Trustees and the Chiefs and Headmen of the said second

migrating party above specified, in defraying the expenses of the delegates to Canada to explore land for the purpose of purchasing the same for the use of the said party and of the necessary arrangements to remove the when they shall determine on such removal and to the payment of such debts of the said second migrating party as their chiefs and head men and the said Trustees shall deem to be fair and just: but no more is to be advanced in the first instance to the said Trustees or paid out by them than shall be necessary to defray the expenses of delegates to Canada to explore lands until the said party have made a contract for the purchase or received a gift of land and determined on removal; and upon those facts being certified by the said Trustees, the balance of the said Six thousand dollars shall be advanced to them for the other purposes herein specified. The said Trustees shall render to the Commissioners of the Land Office an account of the disbursement of the monies that may be advanced to them under this Article with proper vouchers therefor. They shall be entitled collectively to retain one per cent of the monies received and paid out by them as a compensation for their services.

Article IV. The Commissioners of the Land Office will cause the lands hereby ceded to the People of the State of New York to be measured and subdivided into parcels or lots of convenient and suitable dimensions for occupation as farms and for the advantageous sale thereof, and will cause the same to be sold in the manner provided for the sale of the unappropriated lands of the State from time to time as rapidly as the removal of the said Indians will permit and as will secure the best price for the same and will cause a regular account of the expenses of such survey and sale and of all expenses incurred in the negotiation, conclusion and execution of this Treaty to be kept: and it is hereby stipulated and agreed that the People of the said State will hold and retain the avails of all such sales, in trust to be applied to the following purposes.

First: to the repayment of all expenses in the survey description and partition of the lands which are the subject of this Treaty, and of all expenses in the negotiation conclusion and execution of the same

Second: to the repayment of all advances made by the said People on account of the cession of the said lands with interest thereon at the rate of six per cent per annum

Third: to pay the residue of the said avails, with all interest that may accrue thereon to the several migrating parties specified in the last preceding Article in the proportions herein specified. And it is hereby stipulated And agreed that all the avails of the sale of the said ceded lands are to be distributed, apportioned and paid to the said several migrating parties in the proportions which they respectively bear to the whole number of souls enrolled on the said attested list as intending to emigrate, and no future variations in the number of the said parties are in any manner to affect the proportions as they shall exist and appear on the said attested list when the same shall be completed.

Article V. The present value of the lands ceded and conveyed to the People of the State of New York by this Treaty, with all the improvements thereon, shall be appraised and estimated by the persons herein before designated to make a survey, map and description thereof which appraisal shall state the value of the improvements separately, and shall be subscribed and sworn to by them and filed in the office of the Secretary of State. And in case the said ceded lands shall not have been sold prior to the first day of May 1841, so as to ascertain the exact proportionate sum that will be due and payable to the first emigrating party specified in Article III. then it is hereby agreed that the said People of the State of New York, will, on that day advance and pay to the said first emigrating party such sum in addition to the fifteen thousand dollars hereinbefore agreed to be advanced and the interest thereon at six per cent as shall be the just and fair proportion of the said emigrating party according to their numbers as stated in the said attested list, of the appraised value of the lands so ceded and conveyed exclusive of improvements after deducting the expenses hereinbefore mentioned and when the sales of the said ceded lands shall be completed the People of the said State will pay the said emigrating party their just proportion in the ratio aforesaid of the surplus of such actual sales of the said lands exclusive of improvements, over and above the said estimated value, after deducting the expenses aforesaid The said advance and payments to be made to such Chiefs and Head Men of the said said party as shall be duly authorized by the members thereof to receive the same.

Article VI. It is hereby stipulated and agreed that the second and third emigrating parties specified in the preceding third article, shall finally migrate and remove out of this State within three years from the date of this Treaty, and that during the said three years, such of them to as remain in this State, may occupy and possess a tract of not more than five hundred acres of the land ceded and conveyed by this Treaty to be located in one parcel by the persons herein before designated to survey and describe the said ceded lands, and which tract shall be particularly bounded + described by them, in an instrument under their hands to be duly acknowledged in the manner to entitle deeds to be recorded and filed in the office of the Secretary of State; the said location to be made so as not to interfere with the sales of the residue of the said ceded lands: and at the expiration of the said three years, the Indians so occupying the said tract shall peacibly and quietly yield up the possession of the same to the agents of the State, or to the persons who may have purchased the same from the State. And it is further stipulated that the Indians occupying the said tract shall not commit, nor permit the commission of any waste by the destruction of any timber growing on the said tract; and that for all such waste a deduction according to the amount of the injury shall be made from any sums which they would be entitled to receive according to this Treaty.

Article **VII.** When the said second emigrating party specified in the third article of this Treaty shall finally emigrate out of and from the limits of this State, provided such emigration be made within three years as aforesaid, the People of the said State will pay to the said party such sum in addition to the advances which may have been made pursuant to the stipulations of this Treaty with interest thereon as herein before specified, as will be the just proportion of the said party according to their numbers as stated in the attested list aforesaid, of the avails of the sales of the lands exclusive of improvements, ceded by this Treaty, with the interest after deducting the expenses hereinbefore mentioned; or if such lands shall not be then sold, the said People will advance to the said party, their just proportion according to the ratio aforesaid, of the value of the said ceded lands, as the same shall have been appraised and estimated as hereinbefore provided exclusive of improvements: And the said People shall in like manner pay to the said third emigrating party when they shall finally emigrate out of and from the limits of this State within the three years aforesaid, their just proportion according to their numbers stated in the said attested lists of the avails of the sales of the lands hereby ceded, exclusive of improvements or in case the said lands shall not then be sold their just proportion of the value thereof, estimated and appraised as aforesaid exclusive of improvements: And in case payments shall be made according to such appraised value to the said second and third emigrating parties or either of them, then after the said lands shall be sold, the People of the said State will pay to the said parties respectively their just proportions, according to the ratio aforesaid of the surplus of the sales of the said lands, exclusive of improvements over and above the said appraised value. And in case the said third emigrating party shall at any time within the said three years desire an advance on account of their interest in the proceeds of the said ceded lands, to enable them to explore and seek a new home, the said People will make such advances to the Trustees to be named by the said third emigrating party as shall be reasonable for that purpose. The payments stipula ted to be made in this article, are to be made to such Trustees Chiefs and Headmen of the said second and third Emigrating parties, as shall be duly authorized by the members of the said respective parties to receive the same

Article VIII. The buildings and other improvements upon any part of the lands by this Treaty ceded and conveyed to the People of the State of New York shall be appraised, and the value thereof estimated by the persons hereinbefore authorized to survey and describe the said ceded lands, who shall make a detailed statement of the name of the person entitled to such improvements the ~~value~~ and extent thereof generally and their fair value which shall be subscribed by them and sworn before some Justice of the Peace, to be just and fair, according to the best of their judgment and which shall be filed in the office of the Secretary of State: and when the persons entitled to the said improvements shall finally migrate out of this State, the said People shall pay to them respectively, the said appraised value thereof: and the value of the said improvements shall not be estimated in the amount hereinbefore agreed to be paid to any portion or party of the said Oneida Indians, as their proportion of the avails of the said ceded lands.

Article IX. The buildings and other improvements on the tract called the Mission House Lot and the School House and the improvements on the School House Lot are not included in the last preceding article; but the said buildings and improvements together with the lots on which they are erected are the common property of the Second Christian Party of Oneida Indians, and are included in the lands and premises by this Treaty ceded to the People of the State of New York and shall be sold by the Commissioners of the Land Office in such manner and on such terms as shall be calculated to obtain the highest price therefor; and when sold the proceeds thereof shall be apportioned among and paid to the members of the said second christian party belonging to the several emigrating parties and to the party remaining in this State according to their numbers as stated in the said attested lists.

**Article X.** The meeting house of the party of the first part, and the lot on which the same is situated with the improvements thereon are included in the lands and premises hereby ceded to the People of the State of New York: and the same shall be sold by the Commissioners of the Land Office and the proceeds of such sale shall be apportioned among the members of the first and second christian parties of Oneida Indians according to their respective numbers as stated in the said attested lists, and shall be paid to the aforesaid emigrating partys and to the party intending to remain in proportion to their numbers respectively as stated in the said attested lists: such payments to the said emigrating parties to be made in the manner herein before stipulated in regard to the ceded lands generally, and the payment to the party remaining in this State to be made to such Trustees for their use as the members of that party shall duly authorize to receive the same.

**Article XI.** The portion of the said lands of the party of the first part herein before reserved for such of the members of the first and second christian parties of the Oneida Indians as intend to remain in this State is to be had held enjoyed and occupied by them collectively in the same manner and with the same rights title and interest therein as appertain to the said party of the first part before the execution of this Treaty with the following modification: When any family desirous of having their lands divided off to them or any two or more families agreeing to unite in the separate ownership of any portion of the said reserved lands, shall be composed of such numbers as would entitle them to at least fifty acres according to the ratio herein before stated, they may make application to Nathan Burchard Salmon Case and Timothy Jenkins or to such other persons as may hereafter be appointed by the Commiſsioners of the Land Office and upon the said persons certifying, that the heads of the families so applying, are prudent industrious and capable of managing and taking care of such lands and that the remaining members of the said party generally assent to the setting apart to such applicants the said quantity of land to which they may be entitled, the Commiſsioners of the Land Office will direct such quantity to be surveyed measured and described in one convenient parcel, and will thereupon grant a certificate to the persons so applying to the effect that they are entitled to hold and occupy in severalty the quantity of land so described in lieu of all claim and interest of such applicants in and to the Common lands and property of the said party so remaining: and such certificate shall operate as a Partition between the said applicants and the residue of the said party, in respect to all the lands held by them collectively. But the lands so set apart and held in severalty shall not be liable to any sale or transfer absolute or conditional or to any lease or mortgage to any person or body other than the People of the State of New York. The expense of such survey and partition, is in all cases to be defrayed by the applicants.

Article XIII. This Treaty shall be executed in duplicate in the first instance by the Chiefs Warriors and Head men of the said first and Second Christian parties of Oneida Indians, with the advice and assistance of Nathan Burchard the Attorney, of the said Indians, and of Sands Higginbotham their agent and counsellor, and in the presence of Salmon Case and Timothy Jenkins agents of the Commissioners of the Land Office, who will certify that the same has been carefully explained to and fully understood by the said Indians: Such execution to take effect when the same shall also be executed by the Commissioners of the Land Office of the State of New York or a majority of them and when it shall be approved by the Governor of the said State to be signified by his approbation indorsed hereon.

In Testimony whereof Moses Schuyler Abraham W. Sickles. Baptist Powlis, Peter Elm Martin Denny, and William Schuyler Chiefs Warriors and Headmen of the said First and Second Christian Parties and chosen and appointed by the said different parties of the Oneida Indians as their Attorneys and agents to negotiate and conclude this Treaty have hereunto set their hands and seals and sundry other Chiefs Warriors and Head men of the said Indians have also hereto set their hands and seals in token of the consent to this Treaty of the whole tribe composed of the said First and Second Christian Parties: And the Commissioners of the Land office of the said State of New York have also hereto subscribed their names in behalf of the People of the said State, and by the direction of the Governor they have caused the Great Seal of the said State to be hereto affixed. Thus done and executed in duplicate on the day and year above mentioned

Moses his + mark Schuyler (L.S.) Abram W. Sickles (L.S.) Wm, and the Powlis (L.S.) Peter his + mark Elm (L.S.) Martin Denny (L.S.) Wilian his + mark Schuyler (L.S.) Auguste his + mark Cornelius (L.S.) Cornelius his + mark Jelona (L.S.) Elijah his + mark Williams (L.S.) Aaron his + mark Cooper (L.S.) Henry his + mark Antone (L.S.) Henry Minihan (L.S.) Lewis his + mark Denny (L.S.) William Woodman (L.S.) Nickolas Swanto (L.S.) Peter Denny (L.S.)

William J. his + mark Dockstater (L.S.) Abram Webster (L.S.) Jacob Powlis (L.S.) Tall his + mark Nickolas (L.S.) William his + mark Schuyler Jun (L.S.) Jacob his + mark Antone (L.S.) Anthony his + mark Bigkibe (L.S.) Daniel his + mark Schenadoah (L.S.) John his + mark Thompson (L.S.) Peter his + mark Dockstader (L.S.) Abraham his + mark Hill (L.S.) Anthony his + mark Summer (L.S.) Thomas his + mark Summer (L.S.) Isaac his + mark Abraham (L.S.) William his + mark Cornelius (L.S.) Moses his + mark Charles (L.S.) Peter his + mark Isaac (L.S.) John his + mark Homan (L.S.) Moses his + mark Schuyler Junr (L.S.) Henry his + mark Brown (L.S.) Peter his + mark Powlis (L.S.) Henry his + mark Antone (L.S.) Cornelius his + mark Antone (L.S.) Jacob his + mark Antone (L.S.) Peter his + mark Nickolas (L.S.) Abraham his + mark Schuyler Jnr (L.S.) Martinus his + mark Dockstader (L.S.) Daniel his + mark Canada (L.S.) Peter his + mark Cornelius (L.S.) Henry his + mark Bread (L.S.) John his + mark Cornelius (L.S.) Abraham his + mark Wilkin (L.S.)

signed and sealed by, the agents and chiefs of the First and Second Christian Parties of Oneida Indians, whose names are subscribed in our presence And We certify that the Contents of the preceding Treaty were carefully explained to them and the other members of the said Indian parties in full council and were fully understood by them. The word "attested" on the 4th + the words "or received gift" on the 7th pages interlined before before execution and the three first lines on the 8th page written or erasure before signature. Salmon Case. Timothy Jenkins. Sands Higginbotham Nathan Burchard.

Executed by the Commissioners of the Land Office. John C. Spencer Secretary of State. Bates Cook Comptroller. Jacob Haight Treas'r O L Holley Surveyor General, in presence of N. Burchard Atty for Oneida Indians.

I hereby approve the within and foregoing treaty, and in testimony thereof and of the execution of the said Treaty by, and in behalf of the People of the State of New York I have caused the great seal of the said State to be hereto affixed at the City of Albany, this twenty second day of June in the year one thousand eight hundred and forty. William H. Seward (L.S.)

State of New York Oneida County ss: On this 20th June 1840 personally appeared before me Salmon Case Sands Higginbotham Nathan Burchard and Timothy Jenkins to me personally known as the subscribing witnesses to the execution of the above treaty and being duly sworn before me each for himself says that he is personally acquainted with Moses Schuyler Abraham W. Sickles, Baptist Powlis, Peter Elm Martin Denny and William Schuyler and ach of them and that they are all of them hiefs or Principal men belonging to the First and Second Christian Parties of Oneida Tribe of Indians and they were chosen and appointed delegates by the members of the said first and second Christian parties for the purpose of making and executing the said Treaty. That the said six delegates are the persons described in and who executed the said Treaty. That he personally knows the other chiefs, Warriors and Head men who signed the said Treaty to be such Chiefs, Warriors and Headmen and to be the persons also described in and who executed the said treaty and that the said delegates and the said Chiefs, Warriors and Head men severally executed the said Treaty in the presence of each of the said witnesses, for the uses and purposes in the said Treaty mentioned and each of the said deponents became subscribing witnesses thereto that said Higginbotham resides in the town of Lenox County of Madison and that said late Burchard and Jenkins reside in the town of Vernon and County of Oneida. Huet H. Bronson Justice of the Peace.

Schedule No. 1 of all the members of the 1st and 2nd Christian parties of Oneida Indians intending to emigrate out of the limits of the State referred to in the annexed Treaty and which list consists of three distinct parties numbered 1. 2 and 3 as follows. The following is a list of Oneida Indians composed of the first and second Christian parties desiring to ~~emig~~rate to Canada with Moses Schuyler their principal chief being the first Emigrating party referred to in the annexed Treaty. Those belonging to the first Christian Party are first named in the list. First Christian Party

Henry Antone
Hannah Antone
Jacob Antone ... 3
Cobus Silver
Mary Silver
Elizabeth Silver
Caty Silver — 4
Jacob Antone 2d
Jacob Antone Jun. - 2
Layaun Hoytater - 1
Sally Smith
Baptist Smith
Margaret Smith
Elizabeth Smith — 4

Nicholas Schenandoah
Mary Schenandoah
Eve Schenandoah
Susy Schenandoah
Christine Schenandoah
Martinus Schenandoah 6
John Litterman 1
Mary Kick
Betsey Kick 2
23
Second Christian Party
Abraham Sickles
Goene Sickles
John Sickles
Hannah Sickles
one male infant without a name 5
William Peter
Jenny Peter
Susa Peter
Margaret Peter
Lewis Peter
Sally Peter
Jacob Peter
Abraham Peter
Peter Peter 9
Cornelius Island
Baptist Island
Sally Island
Mary Island
Louis Island
Moses Island
~~Moses Island~~
Moses Schenandoah alias
Betsey Island 7
August Cornelius
Mary Cornelius
John Cornelius
Caty Cornelius
Hannah Cornelius
Thomas Cornelius
Martinus Cornelius
Mary Cornelius
Margaret Cornelius 9
Henry Schuyler
Betsey Schuyler
Mary Schuyler
Sally Schuyler
Margaret Schuyler
Moses Schuyler
Lothrop Schuyler
Joseph Schuyler
Martinus Schuyler
John Schuyler
Jenny Schuyler
Goene Schuyler
one infant not named
Daniel Hill
Moses Schuyler 15
Christopher Schuyler
Mary Schuyler
Thomas Schuyler
Henry Schuyler
Elizabeth Schuyler
Margaret Schuyler 6
Caty Powles
Cornelius Powles 2
Eleanor Cornelius
Sally Cornelius
William Cornelius
Cornelius Cornelius 4
Sally Sickles
Elizabeth Sickles
Edward Sickles
Peter Sickles
Isaac Sickles
Margaret Sickles
Mary Sickles 7
Abraham Schuyler
Mary Schuyler
Betsey Schuyler
Thomas Schuyler
Goene Schuyler 5
Elizabeth Isaac
Jenny Isaac
Moses Isaac
Daniel Canada
one male infant no name 5
Jenny Elijah
Jenny Elijah Jun
Betsey Elijah
Daniel Elijah 4
Lewis Thomas
Betsey Thomas
Mary Thomas
Margaret Thomas
Jacob Thomas
Caty Thomas 6
Margaret David
David David
Sally David
Caty David 4
Isaac Abraham
Peter Abraham
Margaret Abraham
Sally Abraham 4
Elijah William
Mary William
Goene William
Caty William
Abraham William
John William
Mary William
Ebenezer William
Eve William 9

Gene Williams
Caty Williams
Bigvoice Williams
James Williams
Caty Williams Jun — 5
William Nickolas
Cornelius Nickolas
Margaret Nickolas
Jonathan Nickolas —
Baptist Nicholas
Elizabeth Nicholas 6
Caty William
John William
an infant not named — 3
Henry Antone 2d
Margaret Antone
Gene Antone
Elizabeth Antone
Jonathan Antone
Moses Antone
Elizabeth Antone Jun 7
Job Antone
Sally Antone
Elizabeth Antone
Baptist Antone
Caty Antone
Moses Antone
John Antone
Mary Antone 8
Peter Honyost — 1
Big Nicholas
Susa Nicholas
William Nicholas
John Nicholas
Cornelius Nicholas
Nicholas Nicholas
Henry Nicholas
Jacob Nicholas

Peter Nicholas
Jemima Nicholas
Elizabeth Nicholas
Bread Nicholas
Abraham Nicholas
Betsey Nicholas
Moses Nicholas — 15
Gene Guy
Caty Guy
Adam Thompson
Jacob Thompson 4
Jacob Antone
Margaret Antone
Mary Antone — 3
William Dockstader
Margaret Dockstader
Elizabeth Dockstader
Baptist Dockstader
Gene Dockstader
Rachel Dockstader
Susy Dockstader
Daniel Dockstader
Elizabeth Brown
Betsey Dockstader
Cornelius Dockstader 11
Joe Honyost — 1
Peter Nicholas — 1
Michal Island
James Island
Mary Island 3
Tobias Hamer — 1
Moses Schuyler
Dolly Schuyler
Elizabeth Sickles
Thomas Schuyler
John Schuyler
Jenny Schuyler
Thomas Schuyler 2d

Margaret Schuyler
Hannah Schuyler — 9
Old Caty
John Fisk
and eight others living at
Tonawanda all relations of old Caty 8 10
Peter Schuyler
Elizabeth Schuyler
Abraham Schuyler
Mary Ann Schuyler
Betsey Schuyler 5
Jemima Williams
Susa Williams
Eavy William — 3
Margaret White
Lewis White — 2
Gene George
Baptist George — 2
Caty Aaron
Antone Aaron
Mary Jane
Cretia Aaron — 4
Hannah Brown
Dolly Brown
John Brown
Jemmy Brown
Rachel Brown 5
John Stephens — 1
Jacob Stephens — 1
John Brown
Betsey Brown
Susa Brown — 3
John Cornelius — 1
William White
Caty White
John White — 3
2d Christian 8 — 219
1 " Party — 23
Total 242

48

The following is a list of Oneida Indians composed of the first and second Christian Parties desirous of emigrating to some place not fully settled upon and for whose benefit or such of them as choose to remain, the five hundred acres are proposed to be reserved in part and who desire to receive the six thousand dollars named in the Treaty and being the second emigrating party referred to in the annexed Treaty. Those belonging to the first christian party are named first in this list

First Christian Party

Anthony Bigknife
Honyost Bigknife
Margaret Bigknife
Elizabeth Bigknife — 4
Elizabeth Wheelock
Nicholas Wheelock — 2
Mary Hill — 1
Mary Skenondoah — 1
Sally Kick
Hannah Kick
David Kick — 3
Thomas Bear
Cretia Bear
Mary Bear — 3
Isaac Dockstader — 1
Henry Farmer — 1
Lucy David
Fish David — 2
Cornelius Summer — 1
Elizabeth Doctor — 1
Abraham Schuyler Jr 1
Peter Denny
Margaret Denny
Caty Denny
Honyost Stephens
Jacob Denny — 5
Mary Denny, — 1

Maria Bread
Mary Bread 2
Betsey Shunk — 1
Betsey Powlis
Caty Powlis
Baptist Powlis 2d 3
Martin Powlis — 1
Joseph Dockstader
son of Thomas Dockstader — 1
Moses Dockstader — 1
36

Second Christian Party

Abraham Stephens
Sally Stephens — 2
Peter Powlis — 1
Caty Sherwere — 1
Caty Hill
Peter Hill
Thomas Hill
John Hill
Margaret Hill
Cornelius Hill
Baptist Hill
Honyost Hill — 8
Susa John
Thomas John
James John 3

Sally Adams
David Sherwin
Mary Hill 3
Anthony Summer
Elizabeth Summer — 2
Sally Abraham
Betsey Abraham
Sally Abraham Jr 3
Hannah Summer
Joseph Summer — 2
Caty Nicholas
Antone Nicholas — 2
Sally Stephens
Jerusha Stephens
Hannah Stephens
Abraham Antone
Melinda Stephen
Susa Antone 6
Peter Antone
William Antone — 2
Jacob Abraham — 1
Abraham Isaac — 1
Lewis Denny — 1
Peter Elm
Abraham Elm 2
William Woodman — 1
Henry Abraham
Goene Abraham

Lisa Abraham
Jerusha Abraham — 4
Hannah Thomas
Hannah Thomas 2d
— — —

2
Elizabeth Thomas
Mary Ann Thomas
Baptist Thomas
Jenny Thomas
Mary Thomas 7

| | |
|---|---|
| Thomas Onondaga | 1 |
| 2d Christian Party | 53 |
| 1st " " | 36 |
| Total | 89 |

The following is a list of Oneida Indians composed also of the first and second Christian parties desirous also of migrating to some place not yet fully settled upon and for whose benefit or such part of them as choose to remain the five hundred acres is proposed to be reserved in part but who do not desire to receive any part of the $6000, nor any part of the money arising from the sale of their lands until they are ready to migrate being the third Emigrating referred in the annexed Treaty those belonging to the first Christian party are named first on the list

First Christian Party
Jacob Powlis
Sally Powlis
Jenny Powlis
Peter Powlis
John Powlis
Thomas Powlis
Mary Powlis
Sally Powlis
Susan Powlis 9
Sally BigKnife 1
Thomas BigKnife
Mary BigKnife
Jerusha Big Knife
Peter BigKnife
Betsey BigKnife
Edward BigKnife
Celia BigKnife
Henry BigKnife
William BigKnife
Caty BigKnife
Anthony BigKnife 2d 12

Isaac Wheelock — 1
Baptist Powlis
Mary Powlis
Henry Powlis
John Powlis
James Powlis
Moses Powlis
Martinus Powlis
Abraham Powlis
Cornelius Powlis
Betsey Powlis — 10
Lisa Hill
William Hill
Jacob Hill 3
Martinus Elijah
Daniel Elijah 2
Margaret Wheelock
Joseph Wheelock — 2
Esther David
Henry David
Thomas David
John David

William David
Solomon David
Cornelius David
Anthony David — 8
Jenny Thompson
Elizabeth Thompson
Martinus Thompson
Joseph Thompson 4
Henry Bread
Caty Bread — 2
William Shunk
Margaret Shunk
one infant not named 3
56

Second Christian Party
Hannah Shonon — 1
William Thomas
Cornelius Thomas
Sally Thomas
John Thomas
Lucy Thomas
Caty Thomas 6

Jenny Powlis — 1
Moses Martinus
Abraham Martinus

Cornelius Martinus
Betsey Martinus — 4
Anthony Nicholas — 1
2d Christian Party 13
1 " " 56
Total 69 Total Schedule 1. 400.

## Schedule No. 2.

The following is a list of the Oneida Indians composed of the First and Second Christian parties desirous of remaining on their lands and not selling the same and to whom is appropriated the 1500 acres mentioned in the proposition for a Treaty. This list embraces all the Indians interested in the lands of said parties not named in the foregoing list

First Christian Party

Mary Antone
Dolly Antone
William Antone
Jacob Antone
Hannah Antone — 5
Henry Nimham
Elizabeth Nimham
Abraham Nimham
Daniel Nimham
Caty Nimham
Elijah Nimham
Thomas Nimham — 7
Peter Dockstader
Lucretia Dockstader
Mary Dockstader
Cornelius Dockstader
Elizabeth Dockstader
Caty Dockstader
Jenny Dockstader 7
Dolly Schenandoah
Margaret Schenandoah
Baptist Schenandoah
Jacob Schenandoah
Elizabeth Schenandoah 5
24

Second Christian Party

Thomas Cornelius Family
Elizabeth Cornelius
John Cornelius
William Cornelius
David Cornelius
John Adams
Susannah Cornelius 6
Martin Denny
Elizabeth Denny
Martin Denny Jr
David Powlis
Honyost Powlis
Susanna Powlis 6
Abraham Webster
Hannah Webster
Isaac Webster
Caty Webster
Betsey Webster 5
Sally Schenandoah
Dolly Schenandoah
Abraham Schenandoah
Thomas Schenandoah
John Powles — 5
Peter Isaac
Sally Isaac
Elizabeth Isaac — 3
Caty Jordan
David Charles
Jerusha Jordan
Solomon Jordan
Elizabeth Jordan
Elias Jordan 6
Peter Summer
Caty Summer
Dolly Summer
Sally Summer
Abraham Summer
Abraham Summer Jr 6
Hannah Charles
Moses Charles
Abraham Charles
Caty Charles
Thomas Charles 5
Lucy Homer
Thomas Homer

John Homer
Elizabeth Homer 4
Elizabeth Lefort
Arat Lefort
Abraham Lefort
Goene Lefort
Matus Lefort 5
Thomas Summer
Mary Summer
John Summer
Baptist Summer
Hannah Summer
William Summer
Dolly Summer 7
Elizabeth Hill
Sally Hill
Peter Hill
Cornelius Hill 4
Peter Webster
Mary Webster
Abraham Webster 3
William Schuyler
Mary Schuyler
William Cornelius
Margaret Schuyler
Caty Schuyler
Eve Schuyler
Rachel Schuyler 7
Jacob Schuyler
Elizabeth Schuyler
Louis Schuyler
Cornelius Schuyler
William Schuyler 5
Aaron Cooper
Hannah Cooper
Dolly Cooper
Margaret Cooper
Susa Cooper

Jenny Cooper
Caty Cooper
Betsey Cooper 9
Mary Cooper
William Charles
Sally Charles
Elizabeth Charles
Goene Charles 4
Caty Charles
Margaret Charles
Susa Charles
Mary Charles
Daniel Charles 5
Mary Antone
Anthony Antone
Susa Antone
Mary Antone
Thomas Antone
Page Antone
Elizabeth Antone
Cornelius Antone
Caty Antone 9
Isaac Judah 1
Elizabeth Schuyler
Betsey Schuyler
Daniel Schuyler
William Schuyler
Peter Schuyler
Susanna Schuyler 6
Abraham Schuyler 1
Peter Webster
Jenny Webster
Mary Ann Webster
Daniel Webster
Thomas Webster
Hannah Webster
Mary Webster
Henry Webster
Dolly Webster 9

John Thompson
Coe Thompson
Antone Thompson
Thomas Thompson
Nicholas Thompson 5
Jacob Antone 1
Joseph Honyost
Martinus Honyost
Elijah Honyost 3
Martinus Williams 1
Baptist Elai
Caty Elai
Mary Elai 3
William Schuyler 2d
Elizabeth Schuyler
Baptist Schuyler
Thomas Schuyler
Nelly Schuyler 5
Elizabith Abraham
Jenny Abraham 2
Elizabith Brown
Moses Brown 2
Rachel Island
Abr Island
Susa Island
Cornelius Island
Thomas Island
Margaret Island 6
Joseph Island alias
Joseph Onondaga
Betsey Island
Elizabith Island
Jenny Island
Antone Island 5

| | | |
|---|---|---|
| 2d Christian Party | | 154 |
| 1st " | " | 24 |
| Schedule No. 2 Total | | 178 |
| Schedule No. 1. | | 400 |
| | | 578 |

We Nathan Burchard Attorney for the Oneida Indians Sands Higginbotham agent for the First and Second Christian Parties of the said Indians and Salmon Case and Timothy Jenkins appointed by the Commissioners of Land Office of the State of New York Do hereby certify that the foregoing list of members of the 1st and 2nd Christian Parties of Oneida Indians intending to emigrate out of this State, contained in the preceding Schedule No. 1 and the foregoing list of members of the said parties intending not to emigrate and to remain contained in the preceding Schedule No. 2 have been carefully made out from personal examination and from authentic information derived from the said Indians and have been read and assented to by them in full council and the said lists are therefore hereby attested by us as being in all respects accurate and correct. Dated June 20th 1840

Nathan Burchard. Sands Higginbotham Salmon Case. Timothy Jenkins.

Exd

Examined and compared with the original September 4 1840 by

Archd Campbell
Dep. Secretary

[illegible] 1840 [illegible]

Toronto. Sepr. 7th 1840.

To Saml. P. Jarvis Esq
Chief Superintendent
Indian Affairs

Sir

Pursuant to your instructions of the 14 July directing me to proceed to Brantford to investigate the state of the affairs of the Six Nations Indians upon the Grand River I have the honor to make the following Report.

Schedules A & B already transmitted to you by me from Brantford contain a statement of the condition of the lands in the surrendered Townships of Dunn & Cayuga, the former containing all the lots numerically arranged with the names of the claimants, and Remarks upon the nature of the claims &c. In the latter I have selected those only who are actual resident settlers, and have given the number of Acres in cultivation in the occupation of each individual.

With respect to the nature of the intrusion upon the Indian lands generally I can only with greater confidence confirm a report I had the honor to make to you last winter, that in very many instances, especially in the Townships, the settlers entered being led to expect a preference in the event of sale. during the Trusteeship of Mr Hepburn persons were permitted to enter upon the unsurrendered lands with expectations held forth to them of a perferance in the event of those lands being surrendered for sale, while in the Townships it is a fact beyond denial that Mr Burwell who was supposed to be an Agent of the Government resident at Brantford, took very active steps in locating persons assuring them that they would have a right of pre-emption at the upset price as soon as a sale should take place, and in many instances (as I am

Mr Burwell

sums they have received is almost incredible and not limiting themselves as formerly to selling what is called an "improvement", of late years they have sold wild land at 10/ per acre to the extent of some thousand acres.

There are some cases so hard upon the settler, that I hope some relief will be extended to the purchaser according to the nature of the case, and I think a plan may be devised for punishing the Indian who has received the money (without injury to the Six Nations funds) for it would be scarcely just that they should retain all the money, and that the purchaser should still have to pay the full value to the Indian funds, a portion of which would of course come to the very Indian who had sold.

I have the honor to be
Sir
your most Obedient
Humble Servant
signed, John W Gwynne.

For Report of the Executive Council on the Report John W Gwynne Esqr.
vide Orders in Council. Page 58.
G.V.

[1840, SEPT 14]

Ogden Treaty Folder - Indian

Wilmington 9 mo 14. 1840

My dear friend

Charles Marriott

I have lately had an interview with Thomas Clayton our Senator from Delaware. Some weeks ago I sent him our Pamphlet with a note expressing my satisfaction with his conduct in voting against the ratification of the Seneca treaty. In our conversation he stated that we had made out a strong and fair case, but had overlooked a very important fact, which he unhesitatingly declared nullifies the Treaty. That is that the Constitution requires two thirds of the Senators' votes, in order to make it valid. In the Resolution of the Senate of 3 mo 2. 1839 it is said that "whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of the 11th June 1838 according to the true intent and meaning of the Resolution of the 11th of June 1838, the Senate recommend that the President make proclamation of said treaty and carry the same into effect." By this it appears that any past action of the Senate in relation to the Treaty, was entirely conditional upon the contingency, that the President should be satisfied that the assent of the Indians should be given to it, according to the true intent of the Senate's Resolution. Such assent never was given and the President expressly declares that this "provision of the Resolution of the Senate of the 11th of June 1838 has not therefore been complied with as it respects the Seneca tribe." Our Senator and I understand many others of the most experienced members of the Senate, are clearly of the mind, that after this decided declaration of the President the Treaty could not be ratified by the Senate, but by a majority of two thirds of the members. If this be true then we have a very powerful lever to use in any appeals we may have to make to the Legislature of the United States, in order to induce them to set aside the treaty. Upon the whole I am of the judgment, that there is no cause why Friends should give up their cause, or relax in their endeavours to promote the great object in view. But at the same time we should be on our guard against all attempts to divert us from the plain straightforward path, into which we firmly believe the Truth has led us, and will I have no doubt support and bless us, let the result be what it may.

It has been agreed, as I understand by a number of Friends, unanimously so far as I have heard, that an early meeting of the joint committees is necessary. I have received a letter from P. E. Thomas of Baltimore to the same effect; and yesterday a Note from Friends of Philadelphia stating that the Indian Committee meets at Cherry Street meeting house on 5th day 17 inst. I would therefore suggest that the joint Committees of the four Yearly Meetings meet at the same time and place, each delegation should be as large as possible — I have just written to P. E. Thomas desiring him to notify the Baltimore committee of this arrangement and procure as large a delegation as can be had from thence. — I think, considering the late movements of the Seneca Indians in regard to Canada, and the unsettled state of all the remnants of the New York tribes, that the present is a critical and very important period, and hope that the Zeal of the joint Committees may be such as to suffer no minor concerns to prevent them from joining in the proposed conference. Please to inform all your members of the joint committee of this conclusion, as far as practicable.

Excepting by two letters from our friend A. Bell, I have heard nothing from our New York friends for a long while. I often think of them with much interest, and would be glad to hear from them more frequently. How is our much esteemed friend Geo. White getting along? Has he any further opening in relation to his embassy to the British Isles? How is he engaged? how is his family? and many other questions in relation to him and his, often occur. — As for myself I have been so much from home on business relating to Indian concerns and other matters of *general* and *particular* interest, that some of my friends here, begin to think that I am rather too much disposed to *gadding*. — And yet I challenge them to shew that I ever leave home without some plea of *important* business! — In answer to this they tell me that I make *business* an excuse for my gadding! — I wish so much to see my New York friends, that I should have been glad that the joint committees were to meet in New York, but must yield my predilections to the general sentiment.

I received from our, much esteemed friend Samuel Smith of your city a Letter dated 8mo 11. inclosing a copy of the Memorial to your Governor; which was, very appropriate so far as I can judge. I am glad to find that his sentiments on the subject of our Indian concern, as well as the sentiments of all our friends in Philadelphia and Baltimore are entirely in unison. There is in this circumstance, not only a satisfaction arising from a feeling of Unity, but a confidence is strengthened that our Movements are under the guidance of a Wisdom superior to our Own. Please to remember me very affectionately to him.

With sentiments of very sincere affection I remain thy friend.

Benj. Ferris

P. S. I often recur very pleasantly to our Visit to Cattaraugus last year when thy Wife made One of the party. Please express [illegible] my esteem and kind regard.

Charles C Marriott

Gentleman /2d

New York

Heman B. Potter Esq

New York 6 Octo 1840

Dear Sir,

I have just received your letter of the 2d Inst covering N. T. Strong's Note to your order dated 19 Feby 1838 for $200 and Harris' Note of the same date to your order for $50 - There should have been some Endorsement on these Notes of your Interest, if we are to charge them to the Makers. Harris has set out on his return to Buffalo -

The Notes of Isaac Ogden drawn and endorsed by himself were sent down to me immediately and have remained with me, ready to be exchanged when called for - The first Note at 3 Months has been handed to Messrs Robinson & Co in lieu of that temporarily handed to you.

In a letter to Mr Allen yesterday I mentioned the receipt of one from the Indian department assuming that by the Terms of the Agreement with the Senecas, they are entitled to retain the whole of the reservations for five years from the ratification of the Treaty, & urging the pre-emptive owners to cooperate with the department in a fair and friendly arrangement so as to satisfy all parties, and to this End they have dispatched another "Confidential Agent" who is now here and who has called to confer with me -

I immediately wrote to Mr Crawford stating the terms of the Agreement as communicated to us at the time by yourself and the other Contractors - and further stating, that I had never heard of any dispute or difference of opinion respecting it - I subjoin an Extract from this part of my letter.

I cannot believe that we have been ~~[illegible]~~ misinformed as to the real Nature of the Agreement & Understanding on this Subject, but rather conclude that Mr Kurtz has been misled or that the Quakers have misrepresented the Matter to the department - It is a point of grave Importance for whatever was the Understanding we must in good faith abide by it, and the Consequences will most deeply affect us. If there was any written Agreement or Memorandum, as in an Affair of so much Moment I presume there must have been, I desire to have a Copy of it without delay. - The Agent will probably remain here until I hear again from Washington and in the mean time it would not be proper or advisable to give any publicity to his Mission or the Objects of it.

I am very respectfully

Yours

T. L. Ogden

Extract. "The following were the preliminaries on which this tribe "agreed to the Sale of their Lands. - $100.000 to be paid to the tribe as "a National fund - $102.000. to be divided among the Indians "in Compensation for their individual Improvements, the proportion "of each Individual to be regulated by the Nation and to be paid "without Interest on the relinquishment of the Improvements - the "owners, of which were to have the right to continue in the Enjoyment "of them for five years from the date of the treaty, or to surrender "them and receive their Share of the $102.000, at any time sooner. "The wild or unimproved lands to pass into the possession of the Preemp-"tive owners on payment of the purchase Money - under this "Agreement, the deed of Conveyance which is absolute in its terms "was executed and deposited in the hands of Heman B. Potter Esqr of "Buffalo who still holds it. Whether the agreement was reduced to "writing I am not able to state, but there has never to my knowledge "been any difference of Opinion or disagreement in relation to "it" —

NEW YORK
OCT
6

Heman B. Potter Esq

Buffalo

N.Y.

Thos. L. Ogden
Oct. 6. 1840

Recd. & Ans. Oct. 9.—
see copy

said Province; and a certificate of such oaths or affirmations and declarations having been so taken, shall cause to be recorded in the Secretary's office of the said Province.

In default of all or any of which conditions, limitations and restrictions, this said grant, and everything herein contained, shall be, and we hereby declare the same to be null and void to all intents and purposes whatsoever, and the land hereby granted, and every part and parcel thereof shall revert to and become vested in us, our heirs and successors, in like manner as if the same had never been granted, anything herein contained to the contrary in any wise notwithstanding.

And whereas, by an Act of the Parliament of Great Britain, passed in the thirty-first year of His Majesty's reign, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled: An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," has declared "That no grant of lands hereinafter made shall be valid or effectual unless the same shall contain a specification of the lands to be allotted and appropriated solely to the maintenance of a Protestant clergy within the said Province," in respect of the lands to be thereby granted.

Now Know Ye, that we have caused an allotment or appropriation of seventy-one acres and three-sevenths to be made in lot number twenty-two, in the fourth concession of the said Township of Delaware.

Given under the Great Seal of Our Province of Upper Canada : Witness, Our trusty and well-beloved Alexander Grant, Esquire, our President, administering the Government of our said Province this second day of May in the year of Our Lord one thousand eight hundred and six and forty-sixth of Our Reign.

A. G.

By Command of His Honour in Council.

WM. JARVIS,
*Registrar.*

Entered with the Auditor 7th May, 1806.

PETER RUSSEL,
*A. G.*

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## No. 191.

This Indenture, made the seventh day of October, in the year of our Lord one thousand eight hundred and forty—Between the Honourable John Hamilton, of Queenston, in the District of Niagara and Province of Upper Canada, Esq., David Gilkison, late of the Township of Nichol, in the District of Wellington and Province aforesaid, now of Genessee, in the State of New York, Esq., and Archibald Gilkison, of Queenston, aforesaid, Esq., executors of the last will and testament of William Gilkison, in his lifetime of Oak Bank, near Brantford, in the District of Gore, Esq., deceased, parties of the first part; and Her Majesty Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

Whereas by a certain agreement lately made by and between the said parties of the first part, and the principals of the Oneida Nation by their agent of the other part and ratified and approved by the Chief Superintendent of Indian Affairs in this Province, that said parties of the first part, for and in consideration of the sum of three hundred and eighty-seven pounds and ten shillings of lawful money of the said Province did agree to bargain grant sell and convey to, or to the use of, or in trust for them the said principals of the Oneida Nation, a certain parcel or tract of land and premises situate in the township of Delaware in the London district in the Province of Upper Canada, which is hereinafter more particularly described.

And whereas on the making of the agreement for the selling and conveying of the said land and premises aforesaid it was desired that the said land and premises should be conveyed to them by a deed of surrender to Her Majesty, Her heirs and successors, in trust for them the said Oneida Nation.

And whereas the said parties of the first part did then and there agree to execute such surrender as requested, and are now desirous of perfecting the said agreement and executing a surrender of the said land and premises unto Her Majesty, Her heirs and successors as agreed upon as aforesaid ;

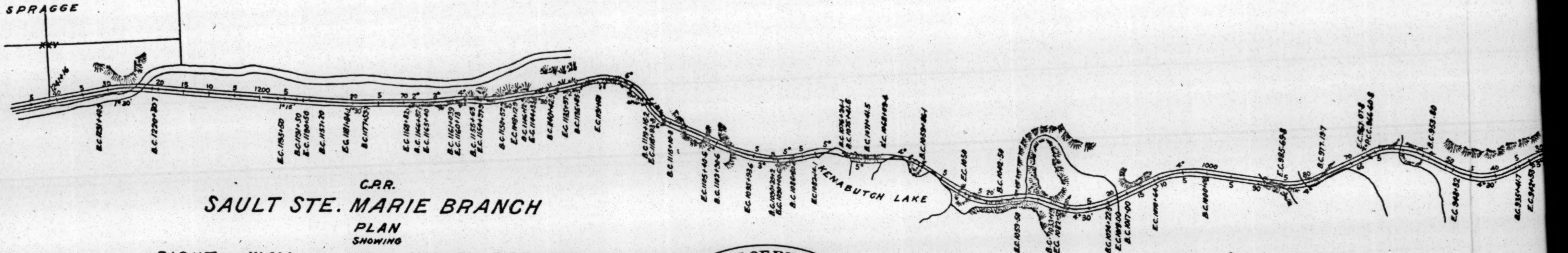
NOW THIS INDENTURE WITNESSETH, that the said parties of the first part, for and in consideration of the sum of three hundred and eighty-seven pounds and ten shillings of lawful money of the said Province to them in hand paid by the said Oneida Nation the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, transferred, surrendered and yielded up, and by these presents do grant, bargain, sell, alien, transfer, surrender and yield up unto Her Majesty, Her heirs, and successors, forever, all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Delaware, in the County of Middlesex, in the District of London, in the Province aforesaid, containing by admeasurement five hundred acres, be the same more or less, being composed of the small lot number twenty-four in the broken Concession A, on the River Thames; lots number twenty-four in the Concession B and C, and the front or westerly part of lot number twenty-four in the Concession D, in the said Township of Delaware, which said five hundred acres of land are butted and bounded or may be otherwise known as follows :—that is to say: Commencing in front upon the River Thames on the north side of the allowance for road between the Townships of Delaware and Southwold, at the south-west angle of the said lot number twenty-four in the broken Concession A, then north seventy degrees, east one hundred and twenty-one chains, seventy-five links ; north twenty degrees, west twenty-nine chains eighty links, more or less, to the limit between lots numbers twenty-four and twenty-three, then south seventy degrees, west to the River Thames; then southerly along the water's edge with the stream to the place of beginning; together with all and singular the tenements, appurtenances and hereditaments thereunto belonging or appertaining and all the estate, right, title, interest property, claim and demand whatsoever of, in to or out of the same.

To have and to hold the same with the appurtenances to Her said Majesty, Her heirs, and successors, freed and discharged from all incumbrances whatsoever in trust nevertheless to and upon the uses, benefit and behoof of the said Oneida Nation as before mentioned forever.

And the said parties of the first part, for themselves their heirs, executors and administrators, do covenant, grant and agree to and with Her said Majesty, Her heirs and successors, that they the said parties of the first part now are the true and lawful owners as executors as aforesaid of all and singular the said premises and every part and parcel thereof and now are lawfully seized as executors as aforesaid of a good, sure, perfect, absolute and indefeasible estate of inheritance in fee simple of and in the premises hereby granted, bargained, sold, surrendered and yielded up or intended so to be, without any condition or limitation of use or uses, or any other matter or thing to alter, charge, change, incumber or defeat the same. And further, that they the said parties of the first part and their heirs, executors and administrators shall and will at all times hereafter upon the reasonable request and at the proper costs and charges of Her said Majesty, Her heirs and successors, make, do and execute all and every such further and other lawful act or acts, devices, conveyances, assurances and surrenders, in law whatsoever, for the further, better and more perfect granting, conveying, assuring, surrendering and yielding up of all and singular the said premises above mentioned, with the appurtenances unto Her said Majesty, Her heirs and successors, as by Her or their council shall be reasonably devised, advised or required.

IN WITNESS WHEREOF, the respective parties of the first part have hereunto set their hands and seals the day and year first above written.

| | | |
|---|---|---|
| Signed, sealed and delivered in the presence of | JNO. HAMILTON, | [L.S.] |
| | D. GILKISON, | [L.S.] |
| JASPER T. GILKISON, | A. GILKISON, | [L.S.] |


SPRAGGE
XXV
1200
KENABUTCH LAKE
1000

C.P.R.

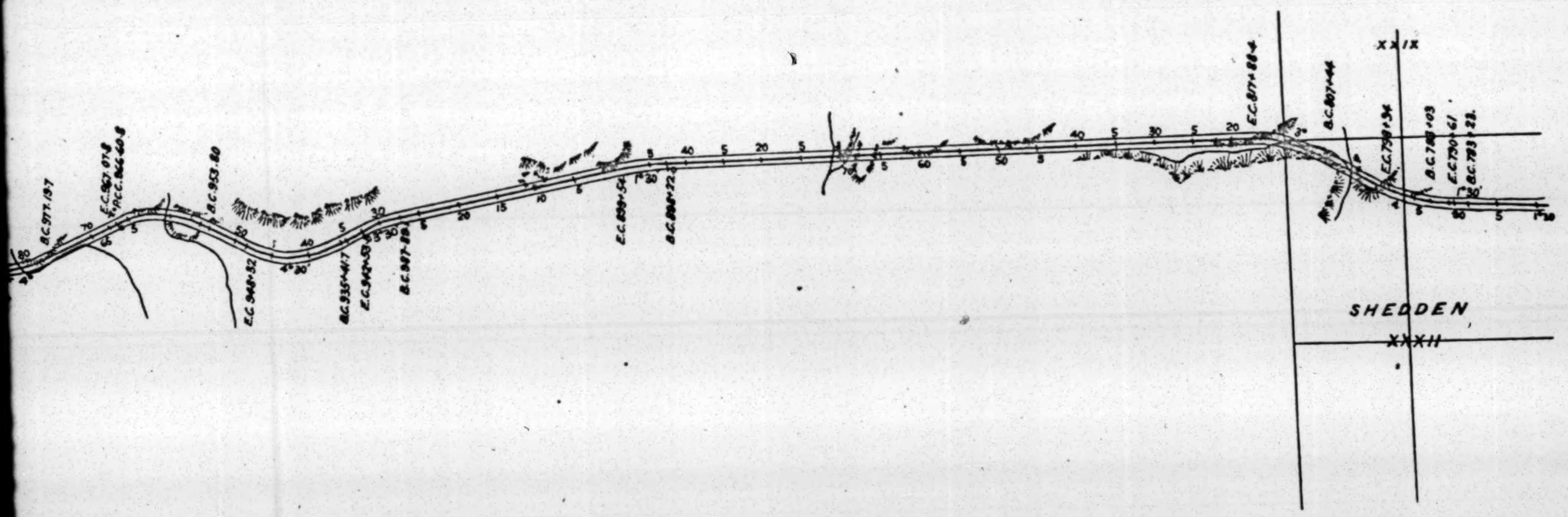
## SAULT STE. MARIE BRANCH

PLAN
SHOWING
RIGHT OF WAY THROUGH THE INDIAN RESERVE
FROM SEC. XXV TP. SPRAGGE TO SEC. XXXII. TP. SHEDDEN.

Scale - 1in = 400ft.

Manager's Office
Algoma Mills
November 24th. 1881.
(Signed) H. Abbott
Manager

DEPARTMENT OF INDIAN AFFAIRS
SURVEY BRANCH.
TRUE
REDUCED COPY
W. A. Austin
23.5.90
OTTAWA, CANADA.


B.C. 977.13.7
E.C. 967.07.8
P.C.C. 966.60.8
B.C. 953.80
E.C. 948+52
B.C. 935+41.7
E.C. 942+53
B.C. 937+88
E.C. 899+54
B.C. 888+72.2
E.C. 817+88.4
B.C. 807+44
E.C. 798+54
B.C. 788+03
E.C. 790+61
B.C. 783+23.
XXIX
SHEDDEN
XXXII

Department of Secretary of State for Canada, Registration Branch,
Ottawa, 19th February, 1868.

I hereby certify that this surrender and the original patent attached thereto have this day been duly entered on the records of this office in Lib. C. S., Surrenders to the Crown, Fol. 309.

HECTOR L. LANGEVIN,
*Secretary of State and Registrar of Canada.*

I certify that this Instrument was duly entered and registered in the Registry Office for the County of Middlesex this 17th day of April, A.D. 1868, at 1 p.m., in Book D, for the Township of Delaware as No. 1895. Pages 283, 284, 285.

ALEX. McDONALD,
*Deputy Registrar.*

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## No. 182.

We, the undersigned Chiefs and Principal Men of the Band of Indians owning the tract of land known as the Serpent River Indian Reserve, or Reserve No. 7 in the schedule of reserves under the Robinson Treaty, and being a majority of the male members of the said Band, of the full age of twenty-one years, habitually residing on or near the reserve in question, duly assembled at a council of the said Band, called for the purpose, and according to the rules of the said Band, and held in presence of an officer duly authorized by the Honourable the Superintendent-General of Indian Affairs to attend such council, which said reserve is described in the treaty effected on the 9th day of September, A.D. 1850, with the Chiefs and Principal Men of the Ojibway Tribe of Indians, inhabiting and claiming the eastern and northern shores of Lake Huron, by the Honourable William B. Robinson, on behalf of Her Majesty the Queen of Great Britain and Ireland, as being "the peninsula east of Serpent River and formed by it," acting on behalf of the whole people of our said tribe, do hereby remise, release, surrender, quit claim and yield up unto Our Sovereign Lady the Queen, Her heirs and successors forever, all and singular that certain tract or parcel of land situate in the District of Algoma, in the Province of Ontario, being composed of a portion of the said hereinbefore mentioned Serpent River Indian Reserve, more particularly described as follows: Being the right of way required for the Canadian Pacific Railway through the said reserve, as shown by the annexed plan, commencing at station 813 x 06 near the north-west corner of Section 32 of the Township of Shedden, and extending westward through the said reserve to station 1223 at the crossing of the Serpent River, in the south-east quarter of Section 25 of the Township of Spragge, being a total distance of 40, 994 feet, or 7·76 miles, by a width of 99 feet, and containing 93·16 acres.

To have and to hold the same unto Her said Majesty the Queen, Her heirs and successors forever, in trust, to sell and convey the same to such person or persons and upon such terms as the Government of this Dominion shall or may deem conducive to the interests of us the said Chiefs and Principal Men, and of our people in all time to come.

And upon the further condition that the moneys received for the sale thereof, shall, after deducting the usual proportions for expense of management, be placed at interest, and that the interest money so accruing from such investment, shall be paid annually or semi-annually to us and our descendants.

And we, the said Chief and Principal Men of the said Band do, on behalf of our people and for ourselves, hereby ratify and confirm whatever the said Government of this Dominion may do or cause to be lawfully done in connection with the disposal and sale of the said lands.

In Witness Whereof we, the said Chief and Principal Men, have set our hands and affixed our seals unto this Instrument in the said District of Algoma at Serpent River.

This Indenture Made the Ninth day [illegible] tober in the Year of our Lord one Thousand eight hundred and forty. Between Charles Baby of the Town of Sandwich in the Western District of the Province of Upper Canada Esquire of the one part. And Her Most Gracious Majesty Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith of the other part.

Whereas by a certain agreement lately made by and between the said Charles Baby of the one part and the principals of the Oneida nation by their agent of the other part, and ratified and approved of by the Chief Superintendent of the Indian affairs in this Province, the said Charles Baby for and in Consideration of the Sum of one hundred and fifty pounds of lawful money of the Province aforesaid, did agree to grant, bargain, sell, and convey to or to the use of or in trust for them the said principals of the Oneida nation a certain parcel

Office of the Secretary of State for Canada,
Registrar's Branch, Ottawa 20th April 1868.

I do hereby certify that this Indenture has this day been entered on the Records of this Office, in Lib: C. S. Folio 323.

Hect. L. Langevin
Secretary of State and Registrar
Of Canada

B.

t or tract of land and premises situate lying and being in the Township of Delaware in the London District and Province aforesaid, which is hereinafter more particularly described. And whereas on the making of the agreement for the selling and conveying of the said land and premises as aforesaid, it was desired that the said land and premises should be conveyed to them by a deed of Surrender to Her Majesty Her Heirs and Successors In Trust for them the said Oneida Nation. And whereas the said Charles Baby did then and there agree to execute such surrender as requested, and is now desirous of perfecting the said agreement and executing a surrender of the said land and premises unto Her Majesty Her Heirs and Successors as agreed upon as aforesaid.

Now This Indenture Witnesseth that the said Charles Baby for and in Consideration of the sum of One hundred and fifty pounds of lawful money of the Province aforesaid to him in hand paid at or before the sealing and

delivering.

delivery of these presents: The receipt whereof is hereby acknowled
Hath granted bargained, sold, aliened, transferred surrendered and
yielded up, and by these presents doth grant, bargain, sell, alien
transfer, surrender and yield up unto Her Majesty Her Heirs and
Successors for ever. All that certain that parcel or tract of land, lying
and being in the Township of Delaware in the London District in the
Province aforesaid, containing two hundred acres be the same more
or less. and known as lot number twenty in Concession C of
the said Township which said parcel or tract of land is butted
and bounded as follows. That is to say Commencing in front of
the said Concession C at the north west angle of the said lot.
Then North seventy degrees East sixty seven Chains fifty links
more or less to allowance for road in rear of said Concession
Then South twenty degrees East twenty nine Chains Eighty links

to

Southermost limit of said Lot. Then South Seventy degrees West ty Seven Chains fifty links more or less to allowance for road in front of said Concession. Then North twenty degrees West twenty nine Chains Eighty links more or less to the place of begining.

Together with all and Singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the Estate right title interest claim and demand of him the said Charles Baby of in to or out of the same, and every part and parcel thereof.

To have and to hold the same with the appurtenances to Her Majesty Her Heirs and Successors freed and discharged from all incumbrances whatsoever In trust nevertheless to and for the use benefit and behoof of the said Oneida nation as before mentioned For ever. And the said Charles Baby for himself his heirs, Executors, and administrators doth covenant, grant and agree to and with Her Majesty Her Heirs and Successors that he the said Charles Baby now

is

is the true lawful and rightful owner of all and singular land and premises above mentioned with the appurtenances and every part and parcel thereof, and now is lawfully and rightfully seized in her own right of a good sure perfect absolute and indefeasible estate of inheritance in fee simple of and in the premises above mentioned and described, And further that he the said Charles Baby and his heirs and all and every other person and persons and his and their heirs having or lawfully claiming any estate right title, trust or interest of in or to the said premises above mentioned and described or any part thereof by from or under him them or any or either of them shall and will at all times hereafter when required by Her Majesty Her Heirs and Successors make do and execute, all and every such further and other lawful acts conveyances and assurances in the law for the better and

more

in part

e more perfect granting, conveying, assuring, surrendering and yielding up of all and singular the premises above mentioned and described with the appurtenances unto Her Majesty Her Heirs and Successors as Her or their Counsel shall reasonably devise advise and require -

Signed, Sealed and delivered in presence of }

Robert Mercer
Saml Gardner

Chr Haley

Upper Canada
Western District
to wit—

Personally appeared before Robert Mercer and Samuel Gar Two of Her Majesty's Justices of the Peace in and for the Western District Julia Baby wife of the written Named Grantor Charles Baby who being examined by us apart from her husband, touching her consent to be barred of her dower of and into the lands in the deed hereto annexed It did appear to us that she gave the same freely and voluntarily without any coercion or fear of coercion on the part of her husband or any other person whatsoever— Dated this Ninth day of October 1840.

Robert Mercer J.P. W.D.
Saml. Gardiner J.P. W.D.

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8

Deed of
Surrender
From
Charles Baby
to
Her Majesty
Victoria
in Trust &c &c

[illegible]

Lot 20 Con 8
Delaware

Department of the Secretary of State of Canada,
Registrar's Branch, Ottawa, 8th January, 1887.

I hereby certify the within to be a true and faithful copy of the record of the original surrender as entered in Lib. K.M., Fol. 27.

L. A. CATELLIER,
*Dep. Registrar-General of Canada.*

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## No. 228.

Deed of surrender from Charles Baby to Her Majesty Victoria.

This Indenture, made the ninth day of October, in the year of Our Lord one thousand eight hundred and forty, between Charles Baby, of the Town of Sandwich, in the western district of the Province of Upper Canada, Esquire, of the one part, and Her Most Gracious Majesty Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, of the other part.

Whereas, by a certain agreement lately made by and between the said Charles Baby, of the one part, and the Principals of the Oneida Nation, by their Agent, of the other part, and ratified and approved of by the Chief Superintendent of Indian Affairs in this Province, the said Charles Baby, for and in consideration of the sum of one hundred and fifty pounds of lawful money of the Province aforesaid, did agree to grant, bargain, sell and convey to or to the use of or in trust for them, the said Principals of the Oneida Nation, a certain parcel or tract of land and premises, situate, lying and being in the Township of Delaware, in the London District, and Province aforesaid, which is hereinafter more particularly described.

And whereas in the making of the agreement for the selling and conveying of the said land and premises as aforesaid it was desired that the said land and premises should be conveyed to them by a deed of surrender to Her Majesty, Her heirs and successors, in trust for them the said Oneida Nation.

And whereas the said Charles Baby did then and there agree to execute such surrender as requested, and is now desirous of perfecting the said agreement and executing a surrender of the said land and premises unto Her Majesty, Her heirs and successors, as agreed upon as aforesaid.

Now this Indenture witnesseth, that the said Charles Baby, for and in consideration of the sum of one hundred and fifty pounds of lawful money of the Province aforesaid to him in hand paid at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, delivered, transferred, surrendered and yielded up, and by these presents doth grant, bargain, sell, alien, transfer, surrender and yield up unto Her Majesty, Her heirs and successors forever, all that certain lot, parcel or tract of land lying and being in the Township of Delaware, in the London District, in the Province aforesaid, containing two hundred acres, be the same more or less, and known as lot number "twenty," in Concession C of the said township, which said parcel or tract of land is butted and bounded as follows, that is to say: Commencing in front of the said Concession C, at the north-west angle of the said lot; then north seventy degrees, east sixty-seven chains fifty links, more or less, to allowance for road in rear of said concession; then south twenty degrees, east twenty-nine chains eighty links, to the southernmost limit of said lot, then south seventy degrees, west sixty-seven chains fifty links, more or less, to allowance for road in front of said concession; then north twenty degrees, west twenty-nine chains eighty links, more or less, to the place of beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and the reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand of him the said Charles Baby of, in, to or out of the same, and every part and parcel thereof.

To have and to hold the same, with the appurtenances, to Her Majesty, Her heirs and successors, freed and discharged from all encumbrances whatsoever, in trust, nevertheless, to and for the use, benefit and behoof of the said Oneida Nation, as before mentioned, forever.

And the said Charles Baby, for himself, his heirs, executors and administrators, doth covenant, grant and agree to and with Her Majesty, Her heirs and successors, that he, the said Charles Baby, now is the true, lawful and rightful owner of all and singular the said land and premises above mentioned, with the appurtenances, and every part and parcel thereof, and now is lawfully and rightfully seized in his own right of a good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, of and in the premises above mentioned and described; and further, that he, the said Charles Baby and his heirs, and all and every other person and persons, and his and their heirs, having, or lawfully claiming any estate, right, title, trust or interest of, in or to the said premises above mentioned and described, or any part thereof, by, from or under him, them, or any or either of them, shall and will at all times hereafter, when required by Her Majesty, Her heirs and successors, make, do and execute all and every such further and other lawful acts, conveyances and assurances in the law for the better and more perfect granting, conveying, assuring, surrendering and yielding up of all and singular the premises above mentioned and described, with the appurtenances, unto Her Majesty, Her heirs and successors, Her or their counsel shall reasonably devise, advise and require.

CHARLES BABY.

Signed, sealed and delivered
in presence of
Robert Mercer,
Samuel Gardiner.

Upper Canada,
Western District.
To Wit:

Personally appeared before us, Robert Mercer and Samuel Gardiner, Esquires, two of Her Majesty's Justices of the Peace in and for the Western District, Julia Baby, wife of the within named grantor, Charles Baby, who being examined by us apart from her husband touching her consent to be barred of her dower of and into the lands in the deed hereunto annexed, it did appear to us that she gave the same freely and voluntarily, without any coercion or fear of coercion on the part of her husband or any other person whatsoever. Dated this ninth day of October, 1840.

ROBERT MERCER, *J.P., W.D.*
SAMUEL GARDINER, *J.P., W.D.*

Office of the Secretary of State for Canada,
Registrar's Branch, Ottawa, 20th April, 1868.

I hereby certify that this Indenture has this day been entered on the records of this office, in Lib. C. S., Folio 323.

HECTOR L. LANGEVIN,
*Secretary of State and Registrar of Canada.*

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Department of the Secretary of State of Canada,
Registrar's Branch, Ottawa, 8th January, 1887.

I hereby certify the within to be a true and faithful copy of the record of the original surrender to the Crown, as entered in Liber C. S., Folio 323.

L. A. CATELLIER,
*Dep. Registrar-General of Canada.*

H B Potter Esqr. Geneva Oct 11: 1840

Dear Sir

After I left Buffalo on my return home I found the men attached to Mr Cook's surveying party all sick but one man and he has since been taken down. Cook has since been dangerously ill. For some time before I left Buffalo nothing had been done by Cook and his party. Jones and his party having worked on dry land retained their health and remained on the Buffalo until I instructed him to break off to finish the Tonnewanta – Jones and his party went to that tract and were all but thro' when a party of Indians including several chiefs invited him to go to Blacksmith's house to confer with Cooper and other Quakers – Jones declined the invitation & the Indians on reporting to Cooper Jones refusal to quit they returned & took the surveyors prisoners and marched them off the Reservation – Cooper instructed the Indians to break Jones's Compass & chain if the survey could not be otherwise prevented.

It would appear that the Quakers have been in correspondence with the War department. Mr Crawford has written to Mr Ogden & me a letter expressing an opinion that the Indians are entitled to full possession of all the lands as well the unimproved as the cultivated Lands for 5 years. – This is contrary to our understanding of the rights of the Proprietors, and I understood expressly from Mr Allen and you that it was explained and plainly & emphatically stated to the Indians that possession of the unimproved Lands would be required by the Proprietors as soon as the conditions of the treaty were complied with on their part. I have gone into this detail as a ground for the information I now ask of you and Mr Allen.

1 Was it not expressly stated to all the Indians who signed the treaty that possession of the unimproved Lands would be required by the Proprietors before the termination of five years, and as soon as the conditions of the treaty were complied with on the part of the Proprietors.

2^d Whether the above or any other information was given by the U.S. Agent or the superintendent for Massachusetts on the above subject to the Indians -

3^d Have you any writing shewing the facts in regard to possession by the Indians -

An early answer will oblige the Proprietors -

I beg that Mr Allen and you will not disclose to any human being what is stated of the Communication from Mr Crawford. A letter which has been addressed to the department by Mr ~~Allen~~ Ogden may lead to different sentiments on the subject.

I enclose a Copy of a statement of monies paid by Mr Wadsworth to the Indians - I presume he has sent a similar statement to you. I was in Genesee about a week ago and he reminded me of having sent me a statement ~~of~~ from which the enclosed is copied.

I have received a letter from Mr Allen respecting the balance of his compensation - Whatever may be done on this subject must be done in New York - It is out of my power to pay him -

I enclose an open Letter to N. T. Strong - after reading it & shewing it to Mr Allen I request you to seal and put it in a way to get to Mr Strong -

Harris has stated to Mr Ogden that in the Buffalo bank is an agreement concerning his Cattaragus Lots - I shall be obliged by a Copy of it -

I am dear Sir
Truly yours
Joseph Fellows -

General Heman B. Potter

Favored by
A. Bronson Esq }

Buffalo

---

Joseph Fellows
Oct. 11. 1840

Ans Oct. 17.–

Heman B. Potter Esq
Buffalo

Newyork 16 Oct 1840

Dear Sir

I have received your letter of the 9 Inst. - Since my letter to you of the 6. Inst I have another Communication from the ~~Secy~~ War department signed by the Secretary himself in which he adheres to the principle assumed by the Indian Superintendant. This is a most serious difficulty - Its Effects have already been felt here, and it is not easy to foresee all its consequences. — If the Lands are to be withheld for five years all the purchase Monies & Compensations must be withheld, and as I apprehend the final removal of the Indians will be delayed if not defeated, which I believe to be the Object of the present Movement of the Quakers.

I am not able to judge what could be accomplished at a Council of the Chiefs to place Affairs with them on a proper footing - If we could rely on a Majority, such an Attempt would on many accounts be Adviseable - after seeing Mr Devereux you will be better able to judge of what may be useful and expedient. - Mr Fellows will probably repair to Buffalo with Mr J. S. Wadsworth and confer with you there - In the meantime I have written to the Secretary but expect nothing decided from him at present He speaks of a reference to the Attorney General and I have asked if that Course should be adopted that we should have the privilege of presenting to that

Officer a statement of the facts - a Copy of my letter to the Secretary is contained in the enclosed for Mr. Fellows which I send to you in the Expectation that it will meet him at Buffalo.

Tell Harris that it will be unnecessary for him to come to New York at present.

I am very respectfully
Yours
T. L. Ogden

Thos. L. Ogden
Oct. 16. 1840

Rec. Oct. 19.

NEW-YORK
OCT
16
double only

Heman B. Potter Esq
Buffalo
N. Y.

State of New York }
City of Buffalo – } ss. Heman B. Potter, and Orlando Allen of Buffalo, and Henry P. Wilcox of Irving, being duly sworn do severally depose and say, that they acted as Agents of the Ogden Company in negotiating the treaty dated the 15th January 1838 between the United States, and the Seneca Indians for the extinguishment of the possessory title of the Indians, to the lands in the western part of this State, commonly called the Indian reservations.

That in the negotiations with the Chiefs, it was distinctly stated to them, and by them fully understood and conceded, that upon the ratification of the treaty the Ogden Company, were to have immediate possession of all the reservations, subject only to the right of Occupancy by the Indians, of their improvements respectively during the time that should be agreed on between them, and the United States for their removal to the lands set apart for them at the West – that upon the ratification of the treaty, the Ogden Company were to have the right of surveying the whole of the lands and of selling the unimproved part of them at their pleasure – That these conditions were expressly stated by the Deponents to the Indians, as an indispensable condition of the purchase – which was fully & distinctly assented to by ~~the Chiefs,~~ them, ~~who represented to the Deponents that they were authorized to negotiate the terms of a Sale.~~ – ~~When the terms~~ of ~~the Sale from the Senecas to the Ogden Company were settled and agreed~~ upon ~~between the parties~~

Whereas Thomas L. Ogden and Joseph Fellows as trustees of the Proprietors of the lands in the western part of the State of New York, commonly called Indian reservations have agreed to pay to the Seneca nation of Indians, for their possessory title to the same the sum of one hundred thousand dollars. And whereas the said Thomas L. Ogden and Joseph Fellows have proposed to secure the said sum of money to the Seneca nation by the execution of a mortgage to the President of the United States as trustee for the nation, to secure the payment of the said sum of money with interest at the rate of seven per cent per annum, to be paid annually from the ratification of the treaty the principal to be paid on or before the first day of January 1846. And whereas the chiefs and head men of the said Seneca nation, are of opinion that the mortgage proposed to be given will be a good security for the payment of the said money and that interest at the rate of seven per cent per annum will be better for the nation than the dividends to arise on an investment in public stocks — they therefore approve of the taking of a mortgage in manner aforesaid and request that the same may be accepted by the President as trustee for the nation. —
October 23. 1840.

Dep affit of
Potter, Willcox
& Allen

Heman B. Potter Esq. New York 26 Oct. 1840

Dear Sir

I have this Morning a letter from the War department, repeating the Intention of the Secretary to submit the question between the pre emptive owners and the complaining part of the Seneca Indians, as to the right of possession, to the Attorney General," unless "the facts of the Case are shown to be materially different from what they are now understood to be" and inviting me to send to the department a further statement of facts with any further views I may wish to present to its consideration.

I am as yet uninformed as to the proceedings of Mr. Devereux, and also as to the Course which may have been decided on by our friends at Buffalo. — Until the receipt of Information on these points, I shall delay submitting any definite statement to the Secretary. and shall therefore hope to hear from you as soon as possible.

Moses Stevenson lately applied to me for Money to enable him to return home, in Consequence of the disappointment of some plan for the Education of himself & his Brother under which they had gone to Massachusetts or Connecticut. I advanced to him $25. for which he gave me the enclosed Order on you assuring me that it would be paid on presentment. I have receipted it accordingly and beg you to remit me the Amount.

I am very truly,

Yours

T. L. Ogden,

Thos. L. Ogden
Oct. 26. 1840

Recd. Oct. 29.
Decr. 23d enclosed a Check for $25-

Heman B. Potter Esq
Buffalo
N.Y.

Mr Dole

# Extract of a Treaty held at the City of New York

with the Nations or Tribes of Indians denominating themselves the seven Nations of Canada, Abraham Ogden Commissioner appointed under the authority of the United States to hold the Treaty, Onawio, alias Good Stream Teharagwanegen alias Thomas Williams two Chiefs of the Caghnawaga, Atiatoharongwen alias Louis Cook a Chief of the St Regis Indian and William Gray Deputies authorized to represent these seven Nations or Tribes of Indians at the treaty and William Gray serving as Interpreter Egbert Benson Richd Varick and James Watson Agents for the State of New York Daniel McCormick & William Constable Purchasers under Alexander Mac Comb.

The Agent for the State having in the presence and with the approbation of the Commissioner proposed to the deputies for the Indians, the compensation herein after mentioned for the extinguishment of their Claim to all Lands within the State, and the said deputies being willing to accept the same. It is thereupon granted agreed and concluded between the said deputies and the said Agents as follows: The said Deputies do for and in the name of the said seven Nations or Tribes of Indians cede release and quit Claim to the People of the State of New York forever all the Claim Right or Title of them the said Seven Nations or Tribes of Indians to Lands within the said State, Provided nevertheless that the tract equal to Six Miles Square reserved in the sale made by the Commissioner of the Land Office of the said State to Alexander Mac Comb to be applied to the use of the Indians of St Regis shall still remain so reserved, The said Agents do for and in the name of the People of the State of New Yorks grant to the said Seven Nations or Tribes of Indians that the people of the State of New York shall pay to them at the Mouth of the River Chazy on Lake Champlain on the third Monday in August next the Sum of one Thousand two hundred and thirty Three pounds Six Shillings and eight Pence, and the further Sum of Two hundred and thirteen Pounds Six Shillings and Eight pence lawful Money of the Said State, And on the third Monday in August yearly forever thereafter the like Sum of Two hundred and thirteen pounds Six Shillings and Eight pence, Provided nevertheless that the People of the State of New York Shall not be held to pay the said Sum unless, at least Five of the principal Men of the said Seven Nations or Tribes of Indians shall attend as Deputies to receive and to give receipts for the same.

In testimony whereof the said Commissioners the said Deputies the said Agents and the said William Constable and Daniel Mc Cormick have hereunto, two other acts of the same tinor and date, one to remain with the United States, another to remain with the State of New York and another to remain with the said Seven Nations or Tribes of Indians set their Hands and Seals in the City of New York the thirty first day of May in the twentieth year of the Independence of the United States 1796

Abm Ogden (L S

Ohnawio his x mark good Stream (L S

Signed Sealed and delivered in the presence of
Samuel Jones Recorder of the City of New York.
John Taylor Recorder of the City of Albany,
Joseph Ogden Hoffman, Attorney Genl. of the State New York

Otiatoharongwen $\underset{mark}{\overset{his}{\times}}$ good Stream (L.S.

(Signed) William Gray (L.S.

Te ha ra gwa negen $\underset{mark}{\overset{his}{\times}}$ Thomas Williams (L.S.

(Signed) Egbt. Benson (L.S

( " ) Richd. Varick (L.S

( " ) James Watson (L.S

( " ) Wm. Constable (L.S

( " ) Danl. McCormick (L.S.

Certified a true Copy from one of the originals

St. Regis 29th October 1840 (Signed) S. Y. Chesley

Resdt. / Indn. Dept.

State of New York }
Erie County ss: } Heman B. Potter & Orlando Allen of Buffalo in the County of Erie & Henry P. Wilcox of Irving in the County of Chautauque being duly sworn, severally depose and say that they acted as the agents of Thomas Ludlow Ogden & Joseph Fellows, Trustees of the preemptive owners of the lands occupied by the Seneca Tribe of Indians in the negotiation which resulted in the purchase of the Indian title to the said lands by the Treaty or Deed of release dated the 15th day of January in the year 1838, & that the following are the terms & conditions of the agreement on which that Instrument was signed & executed to wit.

The preemptive owners were to pay to the Seneca tribe one hundred thousand dollars to be invested for their benefit as a national fund by the President of the United States.

The preemptive owners were also to pay in compensation for the Indian Improvements on the said lands the sum of one hundred & two thousand dollars to be distributed among the individual Indians in the ratio of the value of their respective Improvements, to be settled by appraisement under the authority of the nation, to secure which distribution the preemptive owners were to pay the last mentioned sum to the United States, & to be paid by the United States to the owners of the improvements upon their severally relinquishing the same to the said Trustees, so that each individual should receive his proportion of the said last mentioned sum according to said appraisal & award, the Trustees taking the interest to arise from the investment whilst unappropriated & the Indians having the privilege of retaining possession of their individual Farms & Improvements for five Years, but if sooner relinquished to the preemptive owners then each to receive his share of the $102,000 according to the appraisement, it being fully understood that the preemptive owners were to be at liberty, on the ratification of the Treaty to enter into the immediate possession of all the lands according to the terms of the deed, excepting the improved Farms, & to survey & sell them at their pleasure, & by way of securing to the Indians the performance of these stipulations on the part of the preemptive owners, it was further understood that the undersigned deponent, Heman B. Potter, should keep in his hands the said deed, until the Government Treaty should be ratified, & the said sums of money should be paid to the United States or satisfactorily secured.

The deponents further say that the above mentioned terms & conditions were, in substance, distinctly understood & assented to by the chiefs, were after the conclusion of the Treaty, reported by the deponents to the preemptive owners, & were acquiesced in by them, & until, within the last two or three months, were not to the knowledge of these deponents, disputed or questioned, the objections to the survey of the lands which on the ratification of the Government Treaty, were raised by some of the chiefs, being grounded on the non payment of the purchase monies, as these deponents understood & believe.

(signed) H. B. Potter
( Do ) H. P. Willcox
( Do ) O. Allen

Sworn & subscribed
this 18. day of Nov. 1840
before me
G. R. Babcock.
Sup. Court Com.

H. B. Potter,
O. Allen's,
H. P. Willcox's
Copy of affid'ts

Department of the Secretary of State of Canada,
Registrar's Branch, Ottawa, 8th January, 1887.

I hereby certify the within to be a true and faithful copy of the record of the original deed of surrender to the Crown as entered in Liber C. S., Folio 333.

L. A. CATELLIER,
*Deputy Registrar-General of Canada.*

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## No. 230.

Michael C. Macnamara to Her Most Gracious Majesty. Deed of surrender of Lot No. 22, Con. D, Delaware, London District. Dated 26th of November, 1840.

This Indenture, made the twenty-sixth day of November in the year of Our Lord one thousand eight hundred and forty, between Michael C. Macnamara, of the City of Toronto, in the Home District of the Province of Upper Canada, gentleman, of the one part, and Her Most Gracious Majesty, Victoria by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, of the other part.

Whereas, by a certain agreement lately made by and between the said Michael C. Macnamara, of the one part, and the principals of the Oneida Nation by their agent of the other part, and ratified and approved of by the Chief Superintendent of Indian Affairs in this Province, the said Michael C. Macnamara, for and in consideration of the sum of one hundred and fifty pounds of lawful money of the said Province, did agree to grant, bargain, sell and convey to or to the use of or in trust for them the said Principals of the Oneida Nation a certain parcel or tract of land and premises situate in the Township of Delaware, in the London District and Province aforesaid, which is hereinafter more particularly described.

And Whereas, on the making of the agreement for the selling and conveying of the said land and premises as aforesaid it was desired that the said land and premises should be conveyed to them by a deed of surrender to Her Majesty, Her heirs and successors, in trust for them the said Oneida Nation.

And Whereas, the said Michael C. Macnamara did then and there agree to execute such surrender as requested, and is now desirous of perfecting the said agreement and executing a surrender of the said land and premises unto Her Majesty, Her heirs and successors, as agreed upon as aforesaid.

Now this Indenture witnesseth, that the said Michael C. Macnamara, for and in consideration of the sum of one hundred and fifty pounds of lawful money of the said Province to him in hand paid by the said Oneida Nation, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, transferred, surrendered and yielded up, and by these presents doth grant, bargain, sell, alien, transfer, surrender and yield up unto Her said Majesty, Her heirs and successors forever, all and singular that certain parcel or tract of land and premises situate, lying, and being in the Township of Delaware, in the London District and Province aforesaid, containing two hundred acres, more or less, and known as lot number twenty-two in Concession D, of the said township, which said parcel or tract of land and premises is butted and bounded as follows, that is to say: Commencing at the north-west angle of said lot; then north seventy degrees, east sixty-seven chains fifty links, more or less, to the allowance for road in rear of the said concession; then south twenty degrees, east twenty-nine chains eight links, more or less, to the southernmost boundary of the said lot; then south seventy degrees, west sixty-seven chains fifty links, more or less, to allowance for road in front of the said concession; then north twenty degrees, west twenty-nine chains eight links, more or less, to the place of beginning.

Together with all and singular the tenements, appurtenances and hereditaments thereunto belonging or appertaining, and all the estate, right, title, interest, property, claim and demand whatsoever, either at law or in equity, of him the said Michael C. Macnamara of, in, to or out of the same.

To have and to hold the same with the appurtenances to Her said Majesty, Her heirs and successors, freed and discharged from all incumbrances whatsoever, in trust, nevertheless, to and for the use, benefit and behoof of the said Oneida Nation as before mentioned for ever. And the said Michael C. Macnamara, for himself, his heirs, executors and administrators, doth covenant grant and agree to and with Her said Majesty, Her heirs and successors, that he, the said Michael C. Macnamara, now is the true and lawful owner of all and singular the said parcel or tract of land and premises above mentioned, and every part thereof, and now is lawfully seized in his own right of a good, sure, perfect, absolute and indefeasible estate of inheritance in fee simple of and in the premises hereby granted, bargained, sold, surrendered and yielded up or intended so to be, without any condition or limitation of use or uses or any other matter or thing to alter, charge, change, incumber or defeat the same: And further, that he, the said Michael C. Macnamara, and his heirs, executors and administrators, shall and will at all times hereafter, upon the reasonable request and at the proper costs and charges of Her said Majesty, Her heirs and successors, make, do and execute all and every such further and other lawful act or acts, devices, conveyances, assurances and surrenders in the law whatsoever for the further, better and more perfect granting, conveying and assuring, surrendering and yielding up of all and singular the said premises above mentioned, with the appurtenances unto Her said Majesty, Her heirs and successors, as by Her said Majesty, Her heirs and successors, Her or their counsel shall be reasonably devised, advised or required.

In Witness Whereof, the said Michael C. Macnamara, hath hereunto set his hand and seal on the day and year first above written.

Signed, sealed and delivered in presence of: M. C. MACNAMARA. [L.S.]

Saml. P. Jarvis,
George Vardon.

£150. 0s. 0d. Cy.

Received of Samuel P. Jarvis, Chief Superintendent of Indian Affairs, the sum of one hundred and fifty pounds, Prov. currency, being the consideration money in full to be paid to me as mentioned in the within deed of surrender.

Witness:

George Vardon,
M. C. Macnamara.

Department of the Secretary of State for Canada,
Ottawa, 14th April, 1868.

I hereby certify that the foregoing surrender has this day been duly entered on the records of this office in Lib. K. M., Folio 29.

HECTOR L. LANGEVIN,
*Secretary of State and Registrar of Canada.*

Department of the Secretary of State of Canada,
Registrar's Branch, Ottawa, 8th January, 1887.

I hereby certify the within to be a true and faithful copy of the record of the original deed of surrender as entered in Lib. K. M., Folio 29.

L. A. CATELLIER,
*Deputy Registrar-General of Canada.*

**Survey** and description of the whole Tract of land belonging to the first and Second Christian Parties of the Oneida Indians immediately prior to the execution of the Treaty of June one thousand eight hundred and forty lying in the Counties of Oneida and Madison together with a diagram or Map delineating the lines and boundaries thereof, viz:

Beginning at a stone monument placed as the South west corner of said Tract being North eighty eight degrees and fifteen minutes west, seven chains and seventy three links from the north west corner of the Town of Stockbridge in the County of Madison, and marked S. W. Corner, No. 11.

And runs thence South eighty eight degrees and fifteen minutes East one hundred and sixty five chains and forty six links to the centre of the Peterboro Turnpike so called a stone monument placed at the intersection of the above line with the westerly line of said Turnpike, eighty links west from the point of intersection in the centre of said Turnpike and marked, angle South line of Tract. Thence North fifty four degrees and thirty minutes East in the centre of said Turnpike, ninety chains and fifty links to the centre of Oneida creek a stone monument.

Thence North fifty five degrees East one hundred and thirty five chains and forty five links, a stone monument marked East corner Tract 29.

Thence North eighty two degrees West eighty nine chains and twenty links a stone monument marked Angle North line 23. 26

Thence North seven degrees and

fifteen minutes East sixty one chains and seventy links to the centre of Mud creek a stone monument placed on the South bank thereof, marked N. E. corner, 22.

Thence Westerly down and along the centre of said creek as it winds and turns to the centre of Oneida creek.

Thence down and along the centre of Oneida Creek as it winds and turns to a point north thirty links from a stone monument placed on the south bank of said creek, marked N. W. Corner, 13.

Thence South thirty minutes west ninety eight chains and twenty five links, a stone monument marked angle west line 24.

Thence north eighty nine degrees and thirty minutes west one hundred and twenty six chains and sixty links, a stone monument, marked N. W. Corner. 1.

Thence South one degree and thirty minutes West one hundred and twenty two chains and seventy five links to the place of Beginning, Containing four thousand five hundred and twelve acres of land. Surveyed August 20th 1840 by N. Burchard Surveyor.

Survey and Description of that part of the lands Belonging to the First and second Christian parties of the Oneida Indians, Reserved and not ceded by the Treaty of June 1840 together with a diagram or map deleniating the lines and boundaries thereof viz:

Beginning at a stone monument placed on the south line of the Tract at the distance of seventy two chains and twenty links from the South west corner thereof, and marked S. W. Corner Reserve No. 12.

And runs from thence one degree and fifteen minutes East one hundred and twenty four chains and forty links to the north line of Tract, a stone monument marked N. W. Corner Reserve, No. 12.

Thence South eighty nine degrees and thirty minutes east one hundred and Eleven chains and fifty links, a stone monument marked N. E. Corner Reserve No. 24

Thence South one degree and fifteen minutes west one hundred and thirteen chains and eight links to the centre of the Peterboro Turnpike, and centre of South mud Creek a stone monument placed on the west line of said Turnpike, marked S. E. Corner Reserve No. 38.

Thence South fifty four degrees and thirty minutes west twenty two chains and eighty links in the centre of said Turnpike a stone monument placed North eighty eight degrees and fifteen minutes west eighty links on the westerly line of said Turnpike, marked Angle South line Tract.

Thence North eighty eight degrees and fifteen minutes west on the South line of tract (that being the line between the Towns of Lenox and Stockbridge) ninety three chains and twenty six links to the place of Beginning. Containing one thousand three hundred and eighty eight & 3/4 acres of land. Surveyed August 24th 1840. B. N. Burchard, Surveyor. Sands Higinbotham Com. on the part of the Indians.

+ A certificate of the Survey & description of all the residue of the lands belonging to the first and second christian parties of the Oneida Indians after the aforesaid apportionment & partition, and which residue is by the aforesaid treaty ceded and conveyed to the People of the State of New York & located in the Counties of Oneida and Madison, and bounded and described as follows, towit:

Beginning at a stone monument placed at the South west corner of the said ceded Tract & marked S.W. corner 11. and from thence running South Eighty eight degrees & fifteen minutes East along the South line of the same Seventy two chains & twenty links to stone Monument marked 12. S.W.C.R. thence North one degree & fifteen minutes East along the Westerly line of the Oneida Reservation June 19. 1840 one hundred & twenty four chains & forty links to Stone Monument marked 2 & N.W.C.R. at the North west corner of said Reservation

Thence North Eighty nine degrees & thirty minutes West Seventy one chains & Seventy eight links along the North line of said Tract to stone monument marked 1. N.W.C.T and thence South one degree & thirty minutes west along the westerly line of the same one hundred and twenty two chains and seventy five links to the place of Beginning: Containing eight hundred & Eighty nine acres of land Situate & being in the town of Lenox in the County of Madison aforesaid.

~~Thence north eighty nine degrees & thirty minutes west seventy one chains & seventy eight links along the north line of said Tract to a stone monument marked 1. N. W. C. 7 and thence South one degree & thirty minutes west along the westerly line of the same one hundred and twenty two chains and seventy five links to the place of Beginning: containing Eight hundred and Eighty three acres of Land situate and being in the town of Lenox in the County of Madison aforesaid~~

Also all that other piece or parcel of said residue of ceded & conveyed lands lying and being in the towns of Vernon in the County of Oneida and Lenox in the County of Madison aforesaid and situate North and east of said Reservation & partition of the said Indian lands bounded and described as follows to wit; Beginning at the South East corner of said Reservation in the centre of Oneida Turnpike & in the centre of South Amd Creek Stone monument bearing N 1° 15' E. 30 lk from said centre marked No 38. S. E. C R. from thence running north one degree & fifteen minutes East along the East line of said Reservation one hundred and thirteen chains & Eight links to stone monument marked N. E. C. R. thence North eighty nine degrees & thirty minutes west along the South line of Lot twenty four fifty six chains & seventy links to stone monument marked 24 thence north thirty minutes east along the westerly line of said ceded tract ninety eight chains & fifty five links to the centre of Oneida Creek. Stone monument bearing

S. 30' W. 30 links from said centre & on the south bank of the centre of said creek thence up & along the centre of Oneida creek as it winds and turns to the mouth of North Mud Creek; thence up & along the centre of said Mud Creek as it winds and turns to stone monument marked 22. N.E.C.R standing on the south bank of said creek: thence South seven degrees & fifteen minutes west along the easterly line of said ceded lands sixty one chains & seventy links to stone monument marked 23 & 25: thence south eighty two degrees East eighty nine chains & twenty links to stone monument, marked No. 29, thence South fifty five degrees west along the south line of said tract one hundred and thirty five chains and forty five links to stone monument placed in the centre of Oneida creek marked 35 & 37 thence south fifty four degrees & thirty minutes west along the centre of said Oneida Turnpike sixty seven chains and seventy links to the place of beginning: Containing Two thousand two hundred and thirty four 25/100 acres of Land: The aggregate quantity of ceded lands being Three thousand one hundred & twenty three 25/100 acres of Land. Oneida, Nov. 1840. Nathan Burchard Surveyor. Sands Higginbotham Comr. for Indians

EB

Examined & Compared with the Original by
Archd. Campbell Dep. Secretary

To all to whom these presents shall come Be it Known that we Nathan Burchard & Sands Higginbotham having been appointed & directed in and by the sixth article of a certain treaty made between the People of the State of New York and the first and second christian parties of Oneida Indians on the 19th day of June 1840 to locate a portion of the lands ceded by the said treaty, upon which such members of the said parties as are enrolled among the second and third emigrating parties may reside until their final removal as stipulated in the said article, have located the following Tract of Land with the assent of of the Indians belonging to the said emigrating parties as intending to occupy the same which land is bounded & described as follows:

Beginning at the North West corner of Lot No. One as allotted by said Burchard & Higginbotham of the Oneida purchase June 19. 1840 at a stone monument marked No. 1 and from thence running South eighty-nine degrees & thirty minutes East along the north line of Lots Nos 1 & 2 seventy one chains & seventy eight links to stone monument marked 2. N.W.C.R. thence South one degree & fifteen minutes west along the East line of Lots Nos 2 & 4 forty one chains & ninety links to stake marked 4. 6 a maple tree N. 47° W. 10 links marked 4: thence North eighty eight degrees & forty five minutes west along the south line of lots Nos 4 & 3 to the south west corner of the latter lot a stake marked 3. 5. a maple tree N. 30° E. 14 links marked 3. and thence North one degree & thirty minutes East along the west line of Lots Nos 3 & 1 forty chains & seventy five links to the place of beginning: containing two hundred ninety six 70/100 acres. The same being all of Lots No's 1. 2. 3 & 4 according to allotment of the ceded lands of Oneida purchase June 19. 1840. Nathan Burchard Surveyor Sands Higginbotham Comr for Indians.

Exd/ Examined & Compared with the Original by
Archd Campbell
Dep Secretary

State of New York }
Oneida County } ss: On the 18th day of November 1840 before me the subscriber appeared Nathan Burchard & Sands Higginbotham to me personally known and acknowledged that they had made & subscribed the foregoing & within survey description and map & the within certificate of all that part of the said lands located by them according to the sixth Article of the Treaty made between the People of the State of New York & the first and second christian parties of the Oneida Indians June 19. 1840 for such of the said Indians as are enroled among the second and third Emigrating parties that wish to reside thereon until their final removal from the State of New York. N. Burchard Deputy Surveyor Sands Higginbotham Comr &c Sworn and subscribed before me Nov. 18th 1840 Huet H. Bronson Justice of the Peace

Exd/ Examined & Compared with the Original by
Archd Campbell
Dep Secretary

State of New York
Oneida County ss: we the undersigned the first & second christian parties of the

Oneida Indians residing in the Counties of Madison & Oneida, the same being the residue of the said Indians that are enrolled on the list of the second & third Emigrating parties of said Indians but who are not yet prepared for their final removal & wish for a temporary occupancy of a part and parcel of the said lands ceded and conveyed to the People of the State of New York by the said Indians, according to the stipulation of the sixth article of Treaty made June 19. 1840 do hereby assent & agree with the said people to occupy lots Nos one two three & four of said ceded and conveyed lands according to the certificate of survey location & map made by Nathan Burchard & Sands Higginbotham which are to be returned to the Commissioners of the land office & be deposited with the secretary of State as a matter of record; which location meets with our entire approbation & we deem the same well adapted to the uses & purposes mentioned in said Treaty In witness whereof we have hereto set our respective hands and marks. At Oneida Nov 19 in the year 1840. Baptist his + mark Powles Jacob his + mark Powles. Signed & sealed in the presence of

State of New York }
Oneida County ss: } I Martin Denney an Interpreter of the Oneida Indians do hereby certify that the foregoing instrument was read in open council & met with the entire concurrence of said & forgoing Indians & which was by me distinctly interpreted to them. Martin Denney. Oneida Nov. 19. 1840

State of New York }
Oneida County } ss: We Nathan Burchard appointed by the Commissioners of the Land Office of the state of New York & Sands Higginbotham selected by the first and second christian parties of Oneida Indians on their part and behalf to measure and survey all the lands occupied & possessed by the said Indians in the Counties of Madison & Oneida & to lay off in a seperate parcel, the portion of the said lands for those of the said Indians enrolled as intending to remain, and to make a map and description thereof and also to make a seperate map and description of all the residue of the lands belonging to the said Indians, according to the provisions of the second article of the treaty made between the People of the State of New York & the said first and second christian parties on the 19th day of June 1840, do hereby certify that the foregoing descriptions & maps have been made by us according to the directions of the said Treaty according to the best of our skill and ability: that the same contains a correct survey & maps of all the lands belonging to the said parties of Indians situated in the Counties of Oneida and Madison: a correct survey & description of that part of the said lands reserved for such of the said Indians as are enrolled on the list of those intending to remain called the Home party & a correct map and description of all the residue of the lands belonging to the said first and second christian parties and which residue is by the aforesaid treaty ceded & conveyed to the People of the State of New York. In witness whereof we here

we set our hands this 17th day of November 1840. Nathan Burchard Deputy Surveyor Sands Higginbotham Com. on the part of the Indians.

State of New York }
Oneida County } ss: On this 18th day of November 1840 before me the subscriber appeared Nathan Burchard & Sands Higginbotham to me personally known & acknowledged that they had made and subscribed the foregoing & within surveys and descriptions & maps & the within certificate. Huet H. Bronson Justice of the Peace of said County.

Exd —

Examined & Compared with the Originals Nov. 30. 1840 by
Archd Campbell Dep. Sec.

[See the originals attached to the Treaty]

An Appraisement of the present value of all the Land ceded and conveyed to the People of the State of New York by the first and Second Christian parties of Oneida Indians by the Treaty of 19th June 1840 as the said land has been ascertained surveyed appraised described and mapped by the undersigned Nathan Burchard Deputy Surveyor appointed in behalf of the People of the State of New York and Sands Higginbotham, chosen a Commiſsioner on the part of ~~the~~ said Indians and the Value of the improvements thereon

| No. of Lots | Area in acres | Value per acre | value of said Lot | Do of Improvements | Do exclusive of Improvements | Names of Persons Entitled to improvements | and amount | |
|---|---|---|---|---|---|---|---|---|
| 1 | 74 | $14. | $1036. | $14. | $1022. | William Cornelius | $14. | |
| 2 | 75.35 | 16. | 1205.60 | 36. | 1169.60 | Elijah Williams | 36. | |
| 3 | 74. | 12. | 888. „ | „ | 888. „ | | | |
| 4 | 73.35 | 10. | 733.50 | 20. | 713.50 | Peter Webster | 20. | |
| 5 | 74. | 11. | 814. „ | | 814. „ | | | |
| 6 | 73.51 | 13. | 955.63 | | 955.63 | | | |
| 7 | 74. | 10. | 740. „ | | 740. „ | | | |
| 8 | 73.63 | 18. | 1225.34 | | 1225.34 | | | |
| 9 | 74. „ | 16. | 1184. „ | | 1184. „ | | | |
| 10 | 73.80 | 18. | 1328.40 | | 1328.40 | | | |
| 11 | 74.36 | 15. | 1115.40 | 35. | 1080.40 | William Woodman | 35. | |
| 12 | 75. | 18. | 1350. „ | | 1350. „ | | | |
| 13 | 70.30 | 26. | 1827.80 | 553 | 1274.80 | Martin Denny ✓ | 83. | 553. |
| | | | | | | Daniel Skenandoa | 350. „ | |
| | | | | | | Jacob Powlis | 120. „ | |
| 14 | 87. | 30 | 2610. „ | 1449. „ | 1161. „ | John Cornelius | 225. | |
| | | | | | | Martin Denny ✓ | 540. | |
| | | | | | | Abram Webster ✓ | 650. | |
| | | | | | | Augustus Cornelius | 22. | |
| | | | | | | Hannah Doxtader | 12. | |
| 15 | 108.40 | 27. | 2926.80 | 729. | 2197.80 | Daniel Skenandoa | 80. | |
| | | | | | | Jacob Powlis | 355. | |
| | | | | | | Sally Sickles | 6. | |
| | | | | | | Augustus Cornelius | 30 | |
| | | | | | | Baptist Powlis | 138. | |
| | | | | | | David Charles ✓ | 120. | |
| | | | | | | John Cornelius | 244. | |
| | | | | | | Eleazer Cornelius | 6. | |
| | | | | | | Augustus Cornelius | 56 | |

[illegible] in 1818 [illegible] the [illegible] thousand &c

| No. of Lots | Area in acres | value per Acre<br>$ | Do of said Lot<br>$ | Do of Improvements<br>$ | Do exclusive of Improvements<br>$ | Names of persons Entitled To Improvements | | And amoun |
|---|---|---|---|---|---|---|---|---|
| 16 | 95.50 | 25. | 2381.25 | 983. „ | 1398.25 | Peter Sickles | $ | 4. |
| | | | | | | Sally Sickles | | 54 |
| | | | | | | Baptist Powlis | | 23. |
| | | | | | | Moses Schuyler | | 130. |
| | | | | | | Martin Denny | ✓ | 120. |
| | | | | | | Hannah Doxtader | | 18. |
| | | | | | | Daniel Skenendoa | | 18. |
| | | | | | | Church fund | | 310. |
| 17 | 96.25 | 23. | 2213.75 | 375. | 1838.75 | Daniel Skenendoa | | 40. |
| | | | | | | Baptist Powlis | | 5. |
| | | | | | | Abram Schuyler | | 30. |
| | | | | | | Nicholas Skenendoa | | 80. |
| | | | | | | David Charles | ✓ | 170. |
| | | | | | | Moses Schuyler | | 25. |
| | | | | | | Sally Sickles | | 25. |
| 18 | 100.6 | 28 | 2816.80 | 442. | 2374.80 | Moses Schuyler | | 300. |
| | | | | | | Augustus Cornelius | | 56. |
| | | | | | | Sally Sickles | | 18. |
| | | | | | | John Cornelius | | 60 |
| | | | | | | Elijah Williams | | 8. |
| 19 | 97.12 | 24 | 2330.88 | 306. | 2024.88 | Baptist Powlis | | 50. |
| | | | | | | Abram Schuyler | | 30. |
| | | | | | | Christopher Schuyler | | 48. |
| | | | | | | Moses Schuyler | | 40. |
| | | | | | | Honcost Bigknife | | 25. |
| | | | | | | Isaac Wheelock | | 25. |
| | | | | | | Elizabeth Big Knife | | 10. |
| | | | | | | Margaret Johnson | | 8. |
| | | | | | | Thomas Skenendoa | ✓ | 70. |

| No. of Lots | Area in Acres | Value per Acre | Do of said Lot | Do of Improvements | Do Exclusive of Improvements | Names of Persons entitled to Improvements | and Amount |
|---|---|---|---|---|---|---|---|
| | | $ | $ | $ | $ | Isaac Wheelock | $ 23. |
| | | | | | | Capus Hill | 35. |
| | | | | | | Peter Isaacks | 35. |
| 20 | 111.53 | 21 | 2343.13 | 493. | 1850.13 | William White | 84. |
| | | | | | | Abram Schuyler | 20. |
| | | | | | | William Schuyler 2^d | 253. |
| | | | | | | John Powlis | 10. |
| | | | | | | Anthony Big Knife | 33. |
| | | | | | | August Cornelius | 378. |
| | | | | | | Moses Schuyler | 108. |
| | | | | | | Eleazer Cornelius | 30. |
| 21 | 98.50 | 28 | 2758. | 1151. | 1607. | David Charles | 12. |
| | | | | | | Christopher Schuyler | 100. |
| | | | | | | School Fund | 170. |
| | | | | | | Miſsion Fund | 353. |
| | | | | | | Cornelius Island | 372 |
| | | | | | | Crelia Island<br>Henry Brown &<br>another woman | 72 |
| 22 | 110. | 33. | 3630. | 1600. | 2030. | Gowe Sickles | 20 |
| | | | | | | August Cornelius | 63. |
| | | | | | | Moses Schuyler | 1038. |
| | | | | | | William Schuyler 1^st | |
| | | | | | | Abram Sickles | 256. |
| | | | | | | William Peter | 40. |
| 23 | 56.75 | 30. | 1702.50 | 402. | 1300.50 | Thomas Cornelius | 54. |
| | | | | | | Cornelius Island | 16. |
| | | | | | | Moses Schuyler | 36. |
| | | | | | | Abram Schuyler | 22. |
| | | | | | | Thomas Skenandoa | 344. |
| 24 | 101.50 | 27 | 2740.50 | 436 | 2304.50 | Mary Hill | 40. |
| | | | | | | Tall Jenny | 15. |
| | | | | | | Baptist Denney | 15. |

| No. of Lots | Area in Acres | Value per Acre | Do. of said Lot | Do. of Improvements | Do. Exclusive of Improvements | Names of Persons Entitled to improvements | and Amount |
|---|---|---|---|---|---|---|---|
| | | $ | $ | $ | $ | | $ |
| 25 | 101.80 | 25 | 2545. | 686. | 1859. | Cobus Hill | 42. |
| | | | | | | Peter Isaacs | 32. |
| | | | | | | William White | 108. |
| | | | | | | Peter Webster | 64. |
| | | | | | | William Schuyler 2d. | 440. |
| 26 | 86.50 | 26. | 2249. | 790. | 1459. | Abram Sickles | 255. |
| | | | | | | Thomas Cornelius | 498. |
| | | | | | | William Schuyler 2d. | 12. |
| | | | | | | Hannah Schuyler | 25. |
| 27 | 67.20 | 20. | 1344. | 75. | 1269. | Abram Sickles | 75. |
| 28 | 80.25 | 20. | 1605. | 24. | 1581. | Abram Sickles | 24 |
| 29 | 51.25 | 20 | 1025. | | 1025 | | |
| 30 | 74.20 | 25. | 1855. | 414. | 1441. | Peter Webster 2d. | 195. |
| | | | | | | Abram Webster | 110. |
| | | | | | | Esther David | 90. |
| | | | | | | Cretia Island | 11. |
| | | | | | | Lewis Denney | 8. |
| 31 | 104 | 25 | 2600. | 908 | 1692 | Moses Schuyler | 175. |
| | | | | | | William T. Doxtader | 175. |
| | | | | | | Abram Sickles | 175. |
| | | | | | | Big Nicholas | 175 |
| | | | | | | William Schuyler 2d. | 8. |
| | | | | | | William T. Doxtader | 15. |
| | | | | | | William Elm | 12. |
| | | | | | | Lewis Denney | 30. |
| | | | | | | Jacob Schuyler | 35. |
| | | | | | | Eve Honeyost | 48. |
| | | | | | | William White | 60. |

| No. of Lots | Area in acres | Value Pr. Acre | Do of said Lot | Do of Improvements | Do Exclusive of Improvements | Names of Persons Entitled to Improvements | and amount |
|---|---|---|---|---|---|---|---|
| 32 | 63 | $ 25. | $ 1575. | $ 237. | $ 1338. | Big Nicholas | 167. |
| | | | | | | John Thompson | 70. |
| 33 | 130.50 | 30 | 3915. | 800. | 3115. | William Schuyler 1st | 117. |
| | | | | | | Eve Honeyost | 45. |
| | | | | | | William T. Doxtader | 35. |
| | | | | | | " " " his sisters | 120. |
| | | | | | | Lewis Denney | 467. |
| | | | | | | Martinus Williams | 8. |
| | | | | | | Peter Nicholas | 8. |
| 34 | 70.50 | 25. | 1762.50 | 124 | 1638.50 | John Thompson | 63. |
| | | | | | | Miss Thompson | 12. |
| | | | | | | William Schuyler 1st | 30. |
| | | | | | | William T. Doxtader | 4. |
| | | | | | | Big Nicholas | 15. |
| 35 | 94 | 30. | 2812. | 1007. | 1805. | William T. Doxtader | 696. |
| | | | | | | William Schuyler 1st | 294. |
| | | | | | | Peter Nicholas | 17. |
| 36. | 67.20 | 16. | 1075.20 | 8. | 1067.20 | John Thompson | 8. |
| 37 | 42.50 | 20. | 850. | 178. | 672. | William Schuyler 1st | 60. |
| | | | | | | William T. Doxtader | 118. |
| 38 | 67.90 | 15 | 1018.50 | 10 | 1008.50 | William Schuyler 1st | 10 |
| | 3123.25 | | $69 088.48 | $14.285 | $54.803.48 | | $14,285 |

Exd.

# Schedule

## Shewing the whole amount payable to each person for Improvements.

| Names | N.^o of Lots | Amount | Am.^t to each person |
|---|---|---|---|
| Martin Denny | 13 | $ 83. | |
| " " | 14 | 540. | |
| " " | 16 | 120. | $ 743. |
| Moses Schuyler | 16 | 130. | |
| " " | 17 | 25. | |
| " " | 18 | 300. | |
| " " | 19 | 40. | |
| " " | 21 | 108. | |
| " " | 22 | 1038. | |
| " " | 23 | 36 | |
| " " | 31 | 175 | 1852. |
| Augustus Cornelius | 15 | 30. | |
| " " | 16 | 56. | |
| " " | 18 | 56. | |
| " " | 21 | 378. | |
| " " | 22 | 63. | |
| " " | 14 | 22. | 605. |
| John Cornelius | 14 | 225. | |
| " " | 16 | 244. | |
| " " | 18 | 60. | 529. |
| William Elm | 31 | 12. | 12. |
| William Peter | 23 | 40 | 40 |
| William J. Doxtader | 31 | 190. | |
| | 33 | 35. | |
| | 34 | 4 | |
| | 35 | 696. | |
| | 37 | 118. | |
| his Sisters | 33 | 120. | 1163. |
| Big Nicholas | 31 | 175. | |
| | 32 | 167. | |
| | 34 | 15 | 357. |
| John Thompson | 32 | 70. | |
| | 34 | 63 | |
| | 36 | 8. | 141. |

170

|  | Names | No. of Lot | Amount | Amt. to each person |
|---|---|---|---|---|
| ✓ | William Schuyler 1st | 33 | 117. |  |
|  |  | 34 | 30. |  |
|  |  | 35 | 294. |  |
|  |  | 37 | 60. |  |
|  |  | 38 | 10 |  |
|  |  | 22 | 8. | 519. |
|  |  | 23 | 256. |  |
| ✓ | Abram Sickles | 26 | 255. |  |
|  |  | 27 | 75. |  |
|  |  | 28 | 24. |  |
|  |  | 31 | 175. | 785. |
| ✓ | Miss Thompson | 34 | 12. | 12 |
| ✓ | Lewis Denny | 31 | 30. |  |
|  |  | 33 | 467 |  |
|  |  | 30 | 8. | 505. |
| ✓ | Jacob Schuyler | 31 | 35 | 35. |
| ✓ | Eve Honeyost | 31 | 48 |  |
|  |  | 33 | 45 | 93. |
| ✓ | Christopher Schuyler | 19 | 48 |  |
|  |  | 21 | 100. | 148. |
| ✓ | Isaac Wheelock | 19 | 25. |  |
|  |  | 20 | 23 | 48. |
| ✓ | Nicholas Skenendon | 17 | 80. | 80. |
| ✓ | Honeyost Big Knife | 19 | 25. | 25. |
| ✓ | Elizabeth Big Knife | 19 | 10. | 10. |
| ✓ | Anthony Big Knife | 20 | 33. | 33. |
| ✓ | Margaret Johnson | 19 | 8. | 8. |
| ✓ | Church Fund | 16 | 310. | 310. |
| ✓ | Mission Fund | 21 | 353. | 353. |
| ✓ | School Fund | 21 | 170 | 170 |
| ✓ | Hannah Dostader | 16 | 18. |  |
|  |  | 14 | 12 | 30 |
| ✓ | Sally Sickles | 17 | 25. |  |
|  |  | 16 | 54. |  |
|  |  | 18 | 18 |  |
|  |  | 15 | 6 | 103 |
|  | [illegible]ter Sickles | 16 | 4. | 4 |

| | Names | No. of Lot | Amount | Amt. to each person |
|---|---|---|---|---|
| ✓ | David Charly | $ 17 | 170. | |
| | | 15 | 120. | |
| | | 21 | 12. | $302. |
| ✓ | Baptiste Powlis | 15 | 138. | |
| | | 16 | 23. | |
| | | 17 | 5. | |
| | | 19 | 50. | 216. |
| ✓ | Eleazer Cornelius | 21 | 30. | |
| | | 16 | 6. | 36. |
| ✓ | Abram Schuyler | 17 | 30. | |
| | | 19 | 30. | |
| | | 20 | 20 | |
| | | 24 | 22. | 102. |
| ✓ | Daniel Skenendoa | 13 | 350. | |
| | | 15 | 80. | |
| | | 16 | 18. | |
| | | 17 | 40. | 488. |
| ✓ | Jacob Powlis | 13 | 120. | |
| | | 15 | 355. | 475. |
| ✓ | Thomas Skenendoa | 19 | 70. | |
| | | 24 | 344. | 414. |
| ✓ | Ester David | 30 | 90. | 90. |
| ✓ | Elijah Williams | 2 | 36. | |
| | | 18 | 8. | 44. |
| ✓ | Peter Webster 1st | 4 | 20 | 20. |
| ✓ | Martinus Williams | 33 | 8. | 8. |
| ✓ | Peter Nicholas | 33 | 8. | |
| | | 35 | 17. | 25 |
| ✓ | William Cornelius | 1. | 14. | 14. |
| ✓ | Peter Webster 2d | 30 | 195. | |
| | | 25 | 64. | 259. |
| ✓ | William Woodman | 11 | 35. | 35. |
| ✓ | Abram Webster | 14 | 650. | |
| | | 30 | 110. | 760. |
| ✓ | Cobus Hill | 20 | 35. | |
| | | 25 | 42. | 77 |

| Names | No. of Lots | Amount | Amt. to Each Person | |
|---|---|---|---|---|
| Baptiste Denny | 24 | $ 15. | $ 15. | |
| Peter Isaacs | 20 | 35. | | |
| | 25 | 32. | 67. | |
| Wid. Tall Jenny | 24 | 15. | 15. | |
| William White | 20 | 84. | | |
| | 25 | 108. | | |
| | 31 | 60. | 252. | |
| William Schuyler D. | 25 | 440. | | |
| | 20 | 253. | | |
| | 31 | 8. | | |
| | 26 | 12. | 713. | |
| Mary Hill | 24 | 40. | 40. | |
| John Powlis | 20 | 10. | 10. | |
| Hannah Schuyler | 26 | 25. | 25. | |
| Cornelius Island | 22 | 372. | | |
| | 23 | 16. | 388. | |
| Thomas Cornelius | 22 | 27. | | |
| | 23 | 54. | | |
| | 26 | 498. | 579. | |
| Crelia Island | 30 | 11. | 11. | |
| Crelia Island<br>Henry Brown &<br>Another | 22 | 72. | 72. | In com. |
| Goin Sickles | 22 | 20. | 20. | |
| Amt. Total for Improvements | . . . . | . . . . | $14.285. | |

Examined and compared with the Original c Nov. 30. 1840 by Arch. Campbell Dep. Sec.

Nathan Burchard Deputy Surveyor
Sands Higinbotham Com. on the part
of the Oneida Indians

Vernon Nov. 18. 1840.

State of New York }
Oneida County } Ss. We Nathan Burchard and Sands Higinbotham do severally and solemnly swear that the preceding Appraisal is made by us is just and right according to the best of our judgment and belief.

Nathan Burchard
Sands Higinbotham

Sworn & subscribed }
before me Nov. 18. 1840 }
Ahel A. Bronson Justice of the Peace.